

MARLBORO TOWNSHIP COUNCIL MEETING

October 20, 2022

The Marlboro Township Council held a Council Meeting on October 20, 2022 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President Qazi opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was published in the Asbury Park Press on December 21, 2021; was sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on October 17, 2022; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the Township website and Channel 77.

The Municipal Clerk called the Roll.

PRESENT: Council Vice President DiNuzzo, Councilman Milman (arrived at 7:10 p.m.), Councilman Scalea and Council President Qazi, Councilwoman Marder 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.

Citizen's Voice: Gerry Monroy of 8 Taylor Road requested that the council revisit the December 16, 2021 Ordinance #2021-025.

Chris Brough of 12 US Highway 9 North is the owner of Elite Fitness in the Costco shopping center. He has concerns with the traffic in the Costco parking lot and says that the motorists in the lot are driving too fast. He's worried for pedestrian safety and would like speed bumps added to the lot.

Debra Venedam of 25 McCue Road is a parent of a student at Elite Fitness in the Costco shopping center and is also concerned with pedestrian safety in the parking lot. She agrees that motorists are driving too fast and it is a very busy parking lot.

Bill Waple of 16 Calder Court would like the military equipment that was donated to the Township to be displayed at the Veteran Memorial.

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

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

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

Council Speaks Out: Councilman Scalea wished everyone a Happy Diwali. Councilman Milman spoke about the speeding issue at Costco and hiring a third party to evaluate the current 911-communication center. He wished Happy Diwali for those who celebrate. Council Vice President agreed with Councilman Milman's comments. She asked that an ordinance be prepared repealing Ordinance #2021-025. She read into the record an appreciation certificate received from the Monmouth County Library and offered her thanks to the recreation department's volunteers. Council President offered updates about both the police and recreation departments. He wished everyone a Happy Diwali.

Councilman Scalea moved that the regular Council meeting minutes of September 15, 2022 be approved. This was seconded by Councilman Milman, and passed on a roll call vote of 4 - 0 in favor. (Councilwoman Marder was absent).

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2022-011 (Amending Part II General Legislation, Chapter 94 "Animals", Article V "Wildlife Feeding", of the Code of the Township of Marlboro, County of Monmouth, New Jersey) seconded by Councilman Milman, approved by unanimous voice vote (Councilwoman Marder was absent). The Council President asked if anyone from the public wished to speak.

Suzan Makofsky of 4 Regina Road thanked the council for their support of this ordinance.

Sharon Chang of 6 Regina Road also thanked the council for supporting this ordinance.

Sam Alfonso of 430 Tennent Road said that the ordinance went against the state law. The township attorney responded that the ordinance did not go against state law.

Julian Monroy of 8 Taylor Road mentioned some natural ways to repel deer from entering private property.

Councilman Scalea offered a motion to close the public hearing, seconded by Council Vice President DiNuzzo, approved by unanimous voice vote (Councilwoman Marder was absent).

The following Ordinance #2022-011 (Amending Part II General Legislation, Chapter 94 "Animals", Article V "Wildlife Feeding", of the Code of the Township of Marlboro, County of Monmouth, New Jersey) was introduced by reference, offered by Councilman Scalea, seconded by Council Vice President DiNuzzo and passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

ORDINANCE #2022-011

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

Council Vice President DiNuzzo offered a motion to amend the agenda by re-listing Resolution #2022-222 (Confirming the Appointment of Municipal Judge), seconded by Councilman Scalea, passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

The following Resolution #2022-222 (Confirming the Appointment of Municipal Judge) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

RESOLUTION #2022-222

RESOLUTION CONFIRMING APPOINTMENT OF MUNICIPAL COURT JUDGE FOR THE TOWNSHIP OF MARLBORO

WHEREAS, pursuant to N.J.S.A. 2B:12-4, each judge of a municipal court shall serve for a term of three years from the date of appointment and until a successor is appointed and qualified; and

WHEREAS, Mayor Jonathan Hornik has reappointed James Newman, Esq. as Municipal Court Judge for the Township of Marlboro for a term ending on December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that it hereby confirms the appointment, by Mayor Jonathan Hornik, of:

James Newman, Esq. as Municipal Court Judge for a term ending on December 31, 2024;

The following Resolution #2022-223 (Setting 2023 Council Meeting Dates) was tabled to the November 10, 2022 Council meeting, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

The following resolution #2022-224 (Authorizing Award of Bid - Leaf Disposal Services (2022-13)) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

RESOLUTION #2022-224

A RESOLUTION AWARDING CONTRACT TO BRITTON INDUSTRIES, INC. FOR THE PROVISION OF LEAF DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF LEAF DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO, (#2022-13) and on September 14, 2022, received three (3) bids, as follows:

	Reliable Wood Products LLC 1106 Millstone River Road Hillsborough, NJ 08844	Britton Industries Inc. 227 Bakers Basin Road Lawrenceville, NJ 08648	Mazza Mulch, Inc. 3230A Shafto Road Tinton Falls, NJ 07753
Option 1			
Unit Price Per Cubic Yard	\$12.90	\$6.75	\$8.24
Estimated (cubic yards)	15,000	15,000	15,000
Total	\$193,500.00	\$101,250.00	\$123,600.00
Option 2			
Daily Rate for Processing & Handling	\$50,000.00	N/A	\$13,500.00
Estimated Days	4	4	4
Total	\$200,000.00	N/A	\$54,000.00
Option 3			
Weekly Rate for Processing & Handling	\$200,000.00	N/A	\$67,000.00
Estimated Weeks	1	1	1
Total	\$200,000.00	N/A	\$67,000.00

; and

WHEREAS, following a review of the bids, it has been determined that the submission of the apparent lowest bidder for Option 1, Britton Industries, Inc., for the PROVISION OF LEAF DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO is responsive; and

WHEREAS, in a memo dated September 28, 2022 the Director of Public Works, has recommended the award of contract to Britton Industries, Inc., the apparent lowest bidder for Option 1; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Britton Industries, Inc., whose address is 227 Bakers Basin Road, Lawrenceville, NJ 08648 in an amount not to exceed \$101,250.00 for the PROVISION OF LEAF DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO for the period of November 1, 2022 through October 31, 2023, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness a contract with Britton Industries, 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 from Operating Account #01-201-26-117-288103 and Grant Account #02-213-19-701-117000 in the amount of \$101,250.00.

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

- a. Britton Industries, Inc.
- b. Township Business Administrator
- c. Director of Public Works
- d. Township Chief Financial Officer

The following resolution #2022-225 (Authorizing Shared Services Agreement with Monmouth County for Disposal of Millings/Street Sweepings) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

RESOLUTION #2022-225

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH RECLAMATION CENTER FOR THE DISPOSAL OF DEBRIS FOR 2023 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, The Board of Commissioners of the County of Monmouth (hereinafter, "the County") has established the Monmouth County Reclamation Center; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County to dispose of debris including that collected through street sweeping at the Monmouth County Reclamation Center; and

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

WHEREAS, the proposed shared services agreement in the form of the County's posted Rules and Regulations is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds for the aforesaid purpose estimated at an amount not to exceed \$44,940.00 will be certified by the Chief Financial Officer in Current Account #01-201-32-170-233107, following the adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the proposed shared services agreement for the disposal of debris with the Monmouth County Reclamation Center, 6000 Asbury Avenue, Tinton Falls, NJ 07753.

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

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

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

- a. Monmouth County Reclamation Center
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

The following resolution #2022-226 (Authorizing the Execution of a Redevelopment Agreement with SPG Marlboro Urban Renewal, LLC for the Redevelopment of Block 111, Lots 4 and 10-13 Located on Texas Road) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

RESOLUTION #2022-226

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
MARLBORO AUTHORIZING THE EXECUTION OF A REDEVELOPMENT
AGREEMENT WITH SPG MARLBORO URBAN RENEWAL, LLC FOR THE
REDEVELOPMENT OF BLOCK 111, LOTS 4 AND 10-13 LOCATED ON
TEXAS ROAD IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Mayor and Council serves as an instrumentality and agency of the Township of Marlboro (the "Township") pursuant to the provisions of the *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-3, et seq. (the "LRHL") for the purpose of implementing redevelopment plans and carrying out redevelopment projects within the Township; and

WHEREAS, on August 10, 2017, the Township Council of the Township of Marlboro (the "Township Council") previously adopted Resolution #2017-272 directing the Planning Board of the Township of Marlboro (the "Planning Board") to undertake a preliminary investigation to determine whether various parcels identified on the Township's tax map, including the parcel identified as Block 111, Lots 10-13, met the statutory criteria to be designated as a Condemnation "Area in Need of Redevelopment" pursuant to the LRHL; and

WHEREAS, on October 4, 2018, the Township Council adopted Resolution #2018-293, which further directed the Planning Board to include the parcel identified as Block 111, Lot 4 within the area to be investigated; and

WHEREAS, following the Planning Board's adoption of Resolution No. PB 1-2019 recommending that the Township Council designate the Study Area as an "Area in Need of Redevelopment" with condemnation authority, the Township Council adopted Resolution #2019-381 on September 5, 2019 designating the properties as an "Area in Need of Redevelopment" with condemnation, in accordance with the Planning Board's recommendation and the LRHL, and directed the Planning Board to prepare and transmit a redevelopment plan to the Township Council for review and adoption; and

WHEREAS, CME Associates prepared a redevelopment plan dated October 28, 2019 providing the development standards for each of the properties within the Scattered Sites Redevelopment Area (the "Scattered Sites Redevelopment Plan"), which, following a determination by the Planning Board that the Scattered Sites Redevelopment Plan is consistent with the Township's Master Plan, was adopted by the Township Council on December 12, 2019 by Ordinance No. 2019-15; and

WHEREAS, pursuant to a settlement agreement with Fair Share Housing Center as part of the Township's Mount Laurel declaratory judgment action captioned, In the Matter of the Application of the Township of Marlboro for a Declaratory Judgment, Docket No. MON-L-2121-15, the Township agreed to use various sites included in the Township's Scattered Sites Redevelopment Plan to provide a realistic opportunity for the development of affordable housing in the Township; and

WHEREAS, pursuant to a settlement agreement to resolve a Mount Laurel Builder's Remedy lawsuit brought by 3 Ronson, LLC ("3 Ronson") against the Township, captioned 3 Ronson, LLC v. Township of Marlboro, et al., Docket No. MON-L-001181-17 (the "3 Ronson Builder's Remedy Action"), 3 Ronson agreed to set aside 20% of its inclusionary developments at Block 111, Lots 10-13 and Block 111, Lot 4 (the "Property") for affordable rental apartments; and

WHEREAS, pursuant to Resolution #2020-267, the Township conditionally designated 3 Ronson as exclusive redeveloper of the Property subject to the successful negotiation and execution of a redevelopment agreement and execution of an Interim Costs Agreement; and

WHEREAS, on June 27, 2022, 3 Ronson, LLC transferred all of its right, title and interest in and to the Property to SPG Marlboro Urban Renewal LLC (the "Redeveloper"), an affiliate of 3 Ronson; and

WHEREAS, pursuant to the settlement of the 3 Ronson Builder's Remedy Action, the Redeveloper proposes to redevelop the Property by constructing two inclusionary affordable housing developments with Block 111, Lot 4 consisting of a density of 212 total residential units with a 20% set aside for affordable housing units and Block 111, Lots 10-13 consisting of a density of 68 total residential units with a 20% set aside for affordable housing units (the "Project"); and

WHEREAS, N.J.S.A. 40A:12A-8 (e) and (f) authorize the Township to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, the Township and the Redeveloper have engaged in negotiations relative to the Project and the Township has determined that in furtherance of the goals and objectives of the Redevelopment Plan, and in light of the Township's prior Mount Laurel litigation settlements and its constitutional obligations to provide for its fair share of the regional present and prospective need for housing low- and moderate-income families, it is in the Township's best interest to enter into this Redevelopment Agreement with the Redeveloper for the purpose of setting forth in detail each Parties' respective

undertakings, rights and obligations in connection with the development and construction of the Project; and

WHEREAS, the Township and the Redeveloper desire to enter into a redevelopment agreement in substantially the same form as that on file with the Municipal Clerk (the "Redevelopment Agreement"), subject to the review of the Township Attorney, to set forth the terms and conditions under which the Redeveloper will construct the Project.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. (a) The Mayor is hereby authorized and directed to execute the Redevelopment Agreement in the substantially the same form as that on file with the Municipal Clerk, subject to the review of the Township Attorney.

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement, to attest to the signature of the Mayor upon such document.
3. This Resolution shall take effect immediately.

The following resolution #2022-227 (Authorizing the Execution of a Water Utility Developer's Agreement Concerning Water System Improvements Related to the Site Known as "Stonerise", Block 111, Lots 4 and 10-13 Located on Texas Road) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor (Councilwoman Marder was absent).

RESOLUTION #2022-227

AUTHORIZING THE EXECUTION OF A WATER UTILITY DEVELOPER'S AGREEMENT
CONCERNING WATER SYSTEM IMPROVEMENTS RELATED TO THE SITE KNOWN AS
"STONERISE", BLOCK 111, LOTS 4 AND 10-13, TEXAS ROAD IN THE TOWNSHIP
OF MARLBORO

WHEREAS, SPG Marlboro Urban Renewal LLC (the "SPG Marlboro") is the developer of certain real property known as Block 111, Lots 4, 10, 11, 12 & 13 in the Township of Marlboro, County of Monmouth, State of New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, SPG Marlboro has proposed to construct two inclusionary affordable housing developments with Block 111, Lot 4 consisting of a

density of 212 total residential units with a 20% set aside for affordable housing units and Block 111, Lots 10-13 consisting of a density of 68 total residential units with a 20% set aside for affordable housing units (the "Project"), and has requested water service for the Project from the Marlboro Township Water Utility Division; and

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

WHEREAS, the Township Attorney has reviewed the Developer's Agreement executed by SPG Marlboro Urban Renewal LLC, which is attached hereto as Attachment A; and

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

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

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

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

RESOLUTION #2022-228

A RESOLUTION AUTHORIZING ACCEPTANCE
OF THE DONATION OF COVID TESTS FROM THE MONMOUTH COUNTY HEALTHY
DEPARTMENT FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Health Department has donated 300 Covid Test kits for the Township of Marlboro; and

WHEREAS, the donated items will be used for the purposes of providing Covid test kits for the employees of Marlboro Township; and

WHEREAS, the Administration Department recommends that the Township accept the donation; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director
- c. Township Chief Financial Officer

RESOLUTION #2022-229

A RESOLUTION AUTHORIZING ACCEPTANCE
OF THE DONATION OF FLOWERS FROM THE MORGANVILLE FLOWER FARM FOR THE
TOWNSHIP OF MARLBORO RAIN GARDEN

WHEREAS, Laura and Harry Cross, from Morganville Flower Farm have donated flowers for the Township of Marlboro; and

WHEREAS, the donated flowers will be used for the Rain Garden, to be enjoyed by all Residents of Marlboro Township; and

WHEREAS, the Administration Department recommends that the Township accept the donation; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation as described above is hereby accepted.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to Laura and Harry Cross, from Morganville Flower Farm for their generous donation.

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. Adrienne Spota, Green Team
- d. Rohita Gupta, Environmental Commission

RESOLUTION #2022-230

RESOLUTION AUTHORIZING THE EXECUTION OF A HOME IMPROVEMENT
PROGRAM AGREEMENT UNDER THE TOWNSHIP'S AFFORDABLE HOUSING
REHABILITATION PROGRAM

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate income households; and

WHEREAS, the Township of Marlboro's Administrative Agent has received an application for housing rehabilitation assistance from Ann Giordano who resides at 235 Ravenswood Road, Englishtown, NJ 07726 ("Applicant"); and

WHEREAS, the Administrative Agent has certified that the applicant has met the eligibility requirements of the Township's Affordable Housing Rehabilitation Program; and

WHEREAS, the Township wishes to address the needs of qualified households through its Affordable Housing Rehabilitation Program and supports this application.

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

1. The Township Council of the Township of Marlboro hereby authorizes the execution of a Home Improvement Program

Agreement with Ann Giordano by the Mayor and Municipal Clerk in a form approved by the Township Attorney; and

2. A certified copy of this Resolution shall be provided to each of the following:
 - a. Business Administrator
 - b. Administrative Agent
 - c. Municipal Housing Liaison
 - d. Township Attorney

RESOLUTION #2022-231

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 2022 in the sum of \$20,000.00, which has been received by the municipality for the "Municipal Comprehensive Farmland Preservation Plan Grant".

BE IT FURTHER RESOLVED, that the amount of \$20,000.00 be hereby appropriated under the caption "Municipal Comprehensive Farmland Preservation Plan Grant".

RESOLUTION #2022-232

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 2022 in the sum of \$16,683.39, which has been received by the municipality for the "National Opioid Settlements".

BE IT FURTHER RESOLVED, that the amount of \$16,683.39 be hereby appropriated under the caption "National Opioid Settlements".

RESOLUTION #2022-233

A RESOLUTION AWARDING A CONTRACT FOR THE PROVISION OF PRINTING SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF PRINTING SERVICES FOR THE TOWNSHIP OF MARLBORO, (#2022-14) and on September 21, 2022, received four (4) bids, as indicated on ATTACHMENT A; and

WHEREAS, following a review of the bids, it has been determined that the submissions of Ridgewood Press and Urner Barry for the PROVISION OF PRINTING SERVICES FOR THE TOWNSHIP OF MARLBORO did not include the mandatory certificate of surety documentation, a fatal defect which renders the proposals unresponsive, and which cannot be cured by the governing body, as per N.J.S.A 40A:11-23.2(b); and

WHEREAS, it has been determined by the Department of Law that the submission of Centurion Printing for the PROVISION OF PRINTING SERVICES FOR THE TOWNSHIP OF MARLBORO did not include a fully executed bid bond, a fatal defect which renders the proposal unresponsive, and which cannot be cured by the governing body, as per N.J.S.A 40A:11-23.2(a); and

WHEREAS, the Department of Administration has reviewed the bid submitted by MGL Printing Solutions, 154 South Street, Suite 1, New Providence, NJ 07974, and having deemed it responsive, recommends the following award:

Item No.	Description		Unit Measure	Est. Units	Price Per Unit	Extended Price
A14	#10 Window - Return Address, White w/ Black Ink	TC	500/bx	76	\$28.00	\$2,128.00

A15	#10 Window - Return Address, White w/ Black Ink	Rec	500/bx	50	\$28.00	\$1,400.00
C1	8½" x 11" Letterhead - White Linen w/ Reflex Blue Raised Ink	Myr	500/bx	2	\$198.00	\$396.00
C2	8½" x 11" Letterhead - White Bond Paper w/ Reflex Blue Raised Ink	PD	500/bx	1	\$168.00	\$168.00
D1	8½" x 11" Homestead Rebate and/or Anchor Program Bills, 3-Up Perforated Sheet, Black Ink w/ Grey Shading & Yellow Highlighted Text (Note: Page is perforated down the center line as well) Typically ordered 2x per year approx 2,000 quantity each order - with different quarterly information.	TC	ea	4,000	\$0.085	\$340.00
D2	8½" x 11" Estimated Tax Bills, 3-Up Perforated Sheet, One Color Ink (Not Black but Same Color as Tax Bill) (Note: Page is perforated down the center line as well)	TC	ea	15,000	\$0.057	\$849.00
D3	8½" x 11" Delinquent Notices, 3-Up Perforated Sheet, One Color Ink Color Shading	TC	ea	15,000	\$0.057	\$849.00
D4	8½" x 14" Tax Bills, 4-Up Perforated Sheet, (Note: Bottom 1/2 of page perforated down the center line, as well.), Double-Sided, Side 1: One Color Ink (Not Black) w/ Shading, Side 2: Black Ink, Various Color Options (Bills are a different color each year.)	TC	ea	17,000	\$0.099	\$1,683.00

D5	8½" x 14" PD5 Senior Forms, Double-Sided, Side 1: Black & Red Ink (Black & Grey Shading), Side 2: Black Ink	TC	ea	200	\$0.24	\$48.00
D6	8½" x 11" Tax Sale Certificates, Double-Sided, Black Ink (Black & Grey Shading)	TC	ea	300	\$0.24	\$72.00
D29	8½" x 11" Water Bills, 4-Up Sheets, Double-Sided, White Post Card Weight Stock w/ Blue and Red Heat Resistant Ink, Laser Guaranteed, Multi Perforations per Postal Regulations, Paper path must conform to laser printer specifications.	Wtr	1000/bx	9	\$230.00	\$2,070.00
D30	8½" x 11" Reminder Bills, 4-Up Sheets, Double-Sided, White Post Card Weight Stock w/ Black and Red Heat Resistant Ink, Laser Guaranteed, Multi Perforations per Postal Regulations, Paper path must conform to laser printer specifications.	Wtr	1000/bx	6	\$270.00	\$1,620.00
D31	8½" x 11" Termination Notices, 3-Up Perforated Sheets, Double Sided, One Color Ink (Red), Color Shading	Wtr	1000/bx	6	\$150.00	\$900.00
I10	Dog License Tags, Colored Aluminum, Sequentially Numbered with Flat Links	AC	ea	3,200	\$0.44	\$1,408.00
I11	Cat License Tags, Colored Aluminum, Sequentially Numbered with Small Cat Links	AC	ea	300	\$1.10	\$330.00
I13	10 3/4" (W) x 8" (H) Hard Cover Binder, Black, Slightly rounded spine with clear	Rec	ea	1	\$175.00	\$175.00

	plastic spot for title/name, 4 Locking Rings, 2" Diameter, Supplied with set of A-Z dividers					
I22	8 1/2" x 11" Admin Letter for Tax Bill Mailing, White, Double-Sided, Full Color Ink one side (text and pictures), black ink on back side	Myr	ea	15000	\$0.105	\$1,575.00
I23	8 1/2" x 11" Admin Letter for Tax Bill Mailing, White, Double-Sided, Full Color Ink two sides	Myr	ea	15000	\$0.105	\$1,575.00
Total						\$17,586.00

; and

WHEREAS, the Department of Administration will rebid the print items for which no proposals were received; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to MGL Printing Solutions, whose address is 154 South Street, New Providence, NJ 07974 in an amount not to exceed \$17,586.00 for the PROVISION OF PRINTING SERVICES FOR THE TOWNSHIP OF MARLBORO (items listed above) for the period of January 1, 2023 through December 31, 2023, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness a contract with MGL Printing Solutions 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 will certify funds from various Operating Accounts upon the adoption of the 2023 Municipal Budget.

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

- a. MGL Printing Solutions
- b. Township Business Administrator
- c. Township Chief Financial Officer

RESOLUTION #2022-234

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND LGB MECHANICAL, INC.
AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE
MUNICIPAL BUILDING CHILLER REPLACEMENT

WHEREAS, by Resolution #2021-144 the Township of Marlboro authorized the award of a contract to LGB Mechanical, Inc. for the Municipal Building Chiller Replacement (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the adjusted contract amount of \$265,576.00 to \$265,544.97, a net decrease of \$1,031.03; and

WHEREAS, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$60,632.88; and

WHEREAS, pursuant to the terms of the contract, LGB Mechanical, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$39,831.75; 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 LGB Mechanical, Inc. in the amount of \$60,632.88 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 LGB Mechanical, Inc., be and is hereby approved, decreasing the adjusted contract total of \$266,576.00 to \$265,544.97, a net decrease of \$1,031.03.

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 \$60,632.88 for work completed by LGB Mechanical, Inc. is hereby approved.

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

- a. LGB Mechanical, Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. Rainone Coughlin Minchello, LLC

RESOLUTION #2022-235

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY
NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Marlboro has determined that the personal property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, GovDeals, Inc., located at 100 Capital Commerce Boulevard, Suite 110, Montgomery Alabama, 36117 has been awarded the Passaic County Cooperative Contract for Online Auction Services (RFP-21-001) which is authorized for use by members of the cooperative; and

WHEREAS, the Township of Marlboro intends to utilize the online auction services of GovDeals, Inc. located at www.govdeals.com; and

WHEREAS, the Township is authorized to purchase good and services from bids obtained from a cooperative pricing system such as the Passaic County Cooperative Purchasing System pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15; and

WHEREAS, the Township shall retain the right to reject all bids pursuant to N.J.S.A. 40A:11-36(5).

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro in the County of Monmouth, State of New Jersey, that the Township of Marlboro is hereby authorized to sell the surplus personal property as indicated on Schedule A and on an online auction website entitled www.govdeals.com.

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between GovDeals, Inc. and the Township of Marlboro are available at <https://www.govdeals.com/> and in the Municipal Clerk's office.

BE IT FURTHER RESOLVED, that the notice of the date, time and place of the sale together with a description of the items to be sold shall be published pursuant to N.J.S.A. 40A:11-36(5).

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded by the Municipal Clerk to the following:

- a. GovDeals, Inc.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Municipal Clerk
- e. Director of Public Works

RESOLUTION #2022-236

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE PROVISION OF ONE (1) NEW AND UNUSED 2023 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro advertised for the receipt of bids for THE PROVISION OF ONE (1) NEW AND UNUSED 2023 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES in the Township of Marlboro (2022-15); and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(e), a contracting unit may reject all bids if the purposes or provisions or both of the Local Public Contracts Law are being violated; and

WHEREAS, the one bid received was not labeled in accordance with the bid specifications and, as such, was not delivered to the Purchasing agent as required by law, prior to the bid opening date and time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid received for the project titled THE PROVISION OF ONE (1) NEW AND UNUSED 2023 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES for the Township of Marlboro is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(e); and

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to rebid the contract for the PROVISION OF ONE (1) NEW AND UNUSED 2023 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES for the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid proposal(s).

RESOLUTION #2022-237

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AT THE SITE KNOWN AS 631 ASSOCIATES LLC, BLOCK 172, LOTS 47.03, FORMERLY KNOWN AS BLOCK 172, LOTS 47.01, 47.02 AND 47.03, LOCATED ON TENNENT ROAD, 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. Lionel Lucas for the release of the Township held Performance Guarantees in the form of a Performance Bond and Cash Deposit for the water utility improvements ("Water Utility Improvements") on the Site known as "631 Associates LLC" (the "Site"), property known as Block 172, Lots 47.03, formerly known as Block 172, Lots 47.01, 47.02 and 47.03, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted 631 Associates LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated September 13, 2022, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to release the Performance Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated September 13, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee in the form of a Performance Bond and Cash Deposit posted by the Developer, 631 Associates LLC, for the site known as 631 Associates LLC, located on property known as Block 172, Lot 47.03, formerly known as Block 172, Lots 47.01, 47.02 and 47.03, Township of Marlboro, New Jersey, shall be released as follows:

1. The Performance Bond (Nationwide Mutual Insurance Company, Bond No. SNN4002098), in the original and present amount of \$89,284.68 shall be released in its entirety.
2. The Cash Deposit (The Bank of Princeton, Check No. 15328), in the original and present amount of \$9,920.52 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the water utility improvements associated with the performance guarantees were installed and inspected in June 2018. Thus, we recommend the Township of Marlboro waive the two (2) year fifteen percent (15%) maintenance bond requirement.

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

- a. 631 Associates, LLC
- b. Nationwide Mutual Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq., Township Attorney
- g. Kurt Eifert, PE, Township Water Utility Division

RESOLUTION #2022-238

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS, AT THE SITE KNOWN AS MARLBORO GROVE, BLOCK 355, LOTS 6.01 - 6.17, BLOCK 355.01, LOTS 1 - 5, AND BLOCK 355.02, LOTS 8.01 - 8.25, LOCATED AT BUCKLEY ROAD, 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 Ms. Kathy C. Herity, for a reduction of the Township held Performance Guarantees in the form of a Performance Bond for the site improvements ("Site Improvements") on the Site known as "Marlboro Grove" (the "Site"), property known as Block 355, Lots 6.01 - 6.17, Block 355.01, Lots 1 - 5, and Block 355.02, Lots 8.01 - 8.25, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by K. Hovnanian at Marlboro Place, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated September 28, 2022, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to reduce the Performance Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated September 28, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New

Jersey, that the performance guarantees in the form of a Performance Bond and Cash Deposit posted by the Developer, K. Hovnanian at Marlboro Place, LLC, for the site known as Marlboro Grove, located on property known as Block 355, Lots 6.01 - 6.17, Block 355.01, Lots 1 - 5, and Block 355.02, Lots 8.01 - 8.25, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Bond (Lexon Insurance Company, Bond No. LICX11200360), in the original and present amount of \$558,879.21, shall be reduced by \$391,215.45, so that the remaining amount shall be \$167,663.76.
2. The Cash Deposit (PNC Bank, Check No. 00122304), in the original and present amount of \$62,097.69, shall be reduced by \$43,468.38, so that the remaining amount shall be \$18,629.31;

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints.

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

- a. K. Hovnanian at Marlboro Place, LLC
- b. Lexon Insurance Company
- c. PNC Bank
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Township Attorney

RESOLUTION #2022-239

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR THE SITE RESTORATION IMPROVEMENTS AT AMERICAN PLAZA III, LLC, BLOCK 176, LOT 2.01, LOCATED AT 623 TEXAS ROAD, 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. Marc Portnoy for the release of the Township held Performance Guarantee in the form of a Performance Bond for the restoration improvements ("Restoration Improvements") on the Site known as "American Plaza III, LLC" (the "Site"), property known as Block 176, Lot 2.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by American Plaza 3, 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 3, 2022, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to release the Performance Bond amount in accordance with the recommendation of the Township Engineer's report dated October 3, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee in the form of a Performance Bond posted by the Developer, American Plaza 3, LLC, for the site known as American Plaza III, located on property known as Block 176, Lot 2.01, Township of Marlboro, New Jersey, shall be released as follows:

1. The Performance Bond (Endurance Assurance Corp., Bond No. EACX107000005), in the original and present amount of \$26,136.00 shall be released in its entirety.

BE IT FURTHER RESOLVED, that the restoration improvements associated with the performance guarantee were installed and inspected over two (2) years ago. Thus, the Township of Marlboro shall waive the two (2) year fifteen percent (15%) maintenance bond requirement.

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

- a. American Plaza III, LLC
- b. Endurance Assurance Corp.
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq., Township Attorney

RESOLUTION #2022-240

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE
WATER UTILITY IMPROVEMENTS AT AMERICAN PLAZA III, LLC, BLOCK 176,
LOT 2.01, LOCATED AT 623 TEXAS ROAD, 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. Marc Portnoy for the release

of the Township held Performance Guarantees in the form of a Performance Bond and Cash Deposit for the water utility improvements ("Water Utility Improvements") on the Site known as "American Plaza III, LLC" (the "Site"), property known as Block 176, Lot 2.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by American Plaza 3, 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 3, 2022, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to release the Performance Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated October 3, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee in the form of a Performance Bond and Cash Deposit posted by the Developer, American Plaza 3, LLC, for the site known as American Plaza III, located on property known as Block 176, Lot 2.01, Township of Marlboro, New Jersey, shall be released as follows:

1. The Performance Bond (Endurance Assurance Corp., Bond No. EACX107000029), in the original amount of \$117,499.68 and present amount of \$58,352.83 shall be released in its entirety.
2. The Cash Deposit (Investors Bank, Check No. 50709), in the original amount of \$13,055.52 and present amount of \$6,483.65 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the water utility improvements associated with the performance guarantees were installed and inspected in August 2019. Thus, the Township of Marlboro shall waive the two (2) year fifteen percent (15%) maintenance bond requirement.

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

- a. American Plaza III, LLC
- b. Endurance Assurance Corp.
- c. Investors Bank
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis N. Rainone, Esq., Township Attorney
- h. Kurt Eifert, PE, Township Water Utility Division

RESOLUTION #2022-241

2022 BEST PRACTICES INVENTORY

WHEREAS, the Township of Marlboro has received and completed the "2022 Best Practices Inventory" sent out on October 7, 2022 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 35.5 out of a possible 36.5; and

WHEREAS, the high percentage of positive responses on the 2022 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

WHEREAS, the Best Practices exercise, now in effect for the last thirteen years, has reflected completely positively on the municipal operations of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby acknowledges review of the 2022 Best Practices Inventory and hereby confirms the submission to the State of New Jersey.

RESOLUTION #2022-242

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY
PERMIT TO THE HINDU AMERICAN TEMPLE AND CULTURAL CENTER

WHEREAS, N.J.S.A. 21:3-1, et seq. regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq., and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire

Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, the HINDU AMERICAN TEMPLE AND CULTURAL CENTER ("Hindu Temple"), has applied for a permit to host a fireworks display as part of their annual carnival event on property owned by the HINDU TEMPLE within the Township of Marlboro on October 29, 2022. Such fireworks display is to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq., and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to the HINDU AMERICAN TEMPLE AND CULTURAL CENTER to host a fireworks display on October 29, 2022, with a rain date of October 30, 2022 for its annual carnival on property owned by the HINDU TEMPLE within the Township of Marlboro. Such fireworks display is to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, pursuant to N.J.S.A. 21:3-1, et seq., and more particularly N.J.S.A. 21:3-3, subject to the following terms and conditions:

1. Receipt of approval by the Chief of the Police and Fire Official in accordance with the terms set forth hereinabove; and
2. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney; and
3. The execution of a Hold Harmless Agreement in a form acceptable to the Township Attorney; and
4. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's Fire Safety Certificate (Rules); and
5. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's drivers' Safety Documents; and
6. Proof of issuance by the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its FAA Notification Letter; and
7. Proof from the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its Worker's Compensation and Employers Liability Policy; and

8. Receipt of a copy of the Fireworks Contract Agreement between the HINDU TEMPLE and Serpico Pyrotechnics, LLC; and

9. Receipt of the Plot/Site Plan for the fireworks' display.

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

- a. HINDU AMERICAN TEMPLE AND CULTURAL CENTER
- b. Serpico Pyrotechnics, LLC
- c. Chief of the Police
- d. Fire Official
- e. Business Administrator

RESOLUTION #2022-243

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN SUNCREST BUILDERS, LLC AND THE TOWNSHIP OF MARLBORO FOR THE SUB-DIVISION OF BLOCK 183, LOT 15 IN THE TOWNSHIP OF MARLBORO

WHEREAS, Suncrest Builders, LLC (the "Developer") is the owner and developer of certain real property known as Block 183, Lot 15 in the Township of Marlboro, County of Monmouth, State of New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, an application was originally made by Joseph Zagari to the Marlboro Township Planning Board ("Planning Board") for Preliminary and Final Major Subdivision approval through Application No. PB-1180-18 to subdivide the property into four (4) new lots, to be developed with single-family dwellings, as outlined in Resolution No. PB-1180-18 granting Preliminary and Final Major Subdivision approval, which was adopted on October 3, 2018 and memorialized on November 7, 2018 (hereinafter the "Project"); and

WHEREAS, the approved subdivision calls for certain improvements, and, though the Developer is not the original applicant to the Planning Board, the Developer has agreed to be bound by all responsibilities and obligations as though the original applicant and to construct those improvements as shown on the Approved Plan and records before the Planning Board, all of which were made part of a Developer's Agreement attached hereto as Attachment A; and

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

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

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

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

SO RESOLVED, as aforesaid.

RESOLUTION #2022-244

AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY TO THE STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL AUTOMATED LICENSE PLATE READER INITIATIVE FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the Department of Law and Public Safety (DLPS), Office of the Attorney General announced the anticipated availability of funds through the Automated License Plate Reader ("ALPR") Initiative; and

WHEREAS, the purpose of the ALPR Initiative is to provide grant funding to law enforcement agencies with jurisdiction in the State of New Jersey to acquire, implement, expand, or upgrade ALPR technology for implementation in the communities they serve; and

WHEREAS, the State of New Jersey, Office of the Attorney General is making available \$4,750,000 in competitive grant funds to support the ALPR Initiative, and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for new ALPRs.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the New Jersey, Office of the Attorney General ALPR Initiative; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute an agreement, in a form approved by the Township Attorney for funding from the New Jersey ALPR Initiative.

RESOLUTION #2022-245

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY RENEWING A SHARED SERVICES AGREEMENT BETWEEN THE
TOWNSHIP OF MARLBORO AND THE BOROUGH OF MATAWAN TO PROVIDE
ANIMAL CONTROL SERVICES

WHEREAS, on January 29, 2015 the Township of Marlboro (the "Township") authorized a shared services agreement (Resolution #2015-063) with the Borough of Matawan ("Borough") for animal control services including emergency response for domestic animal incidents, emergency response for sick or dangerous wildlife and enforcement of the Borough's ordinances pertaining to domestic animals; and

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

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

WHEREAS, the Township has the personnel as well as the necessary contracts in place to provide the specified services; and

WHEREAS, the Township and the Borough of Matawan wish to extend the agreement to include calendar year 2023; and

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

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and the Municipal Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2022-246

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY, RENEWING THE SHARED
SERVICES AGREEMENT WITH HOWELL TOWNSHIP FOR THE
USE OF THE HOWELL FIREARMS RANGE

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

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

WHEREAS, the Township Council of the Township of Marlboro authorized the execution of a shared services agreement with Howell Township on December 9, 2010 for use of the Howell Township Firearms Range; and

WHEREAS, Marlboro desires to continue the utilization of the Howell Township's Firearms Range; and

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

WHEREAS, funding for this agreement, in an amount not to exceed \$2,500.00 will be certified by the Chief Financial Officer under Current Fund account 01-201-25-106-288644 at the time the 2023 budget is adopted; and

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

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A, and in a form approved by the Township Attorney.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2022-247

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A RENEWAL OF THE SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF COLTS NECK FOR USE OF POLICE FIREARMS TRAINING FACILITY

WHEREAS, the Township of Marlboro ("Marlboro") must qualify officers to utilize their duty weapons at a firearms practice range; and

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

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

WHEREAS, the Township of Colts Neck operates and maintains a police firearms training facility at 231-A Route 34, Colts Neck, NJ 07722; and

WHEREAS, Colts Neck has indicated that it can accommodate Marlboro police personnel at its facility, and the Marlboro Chief of Police has recommended that the shared services agreement with Colts Neck be extended through December 31, 2023; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro for Marlboro police personnel to utilize the Colts Neck firearms training facility; and

WHEREAS, Marlboro and Colts Neck have negotiated the terms of a Shared Services Agreement, in a form substantially similar to that annexed hereto as EXHIBIT A, which are incorporated into this resolution as if set forth at length herein.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A, and in a form approved by the Township Attorney.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2022-248

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF COLTS NECK FOR USE OF DECONTAMINATION FACILITY

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

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

WHEREAS, the Township of Marlboro Office of Emergency Management (OEM) operates and maintains a decontamination facility at 1979 Township Drive, Marlboro, NJ 07746; and

WHEREAS, in response to a request from Colts Neck, the Chief of Police has indicated that Marlboro is in a position to offer the decontamination facility, and has recommended that the shared services agreement with Colts Neck be extended through December 31, 2023; and

WHEREAS, Marlboro and Colts Neck have negotiated the terms of a Shared Services Agreement, in a form substantially similar to that annexed hereto as EXHIBIT A, which are incorporated into this resolution as if set forth at length herein.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute the Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A, and in a form approved by the Township Attorney.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

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

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

RESOLUTION #2022-249

REFUND OF TAX OVERPAYMENTS

WHEREAS, the attached list in the amount of \$11,766.30 known as Schedule "A", is comprised of amounts representing overpayments for taxes.

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

SCHEDULE "A"

BLOCK/LOT	PROPERTY INFORMATION	AMOUNT
420/24	Smith, Steven A & Erica 40 Moore Road	\$4,975.50
191/1	Juliano, Rose M 10 Amagansett Drive	\$4,204.86
132.02/6/C0206	Gaynor, Maureen 206 Canterbury Lane	\$573.76
300/46	Gurski, Edward & Linda 479 Tennent Road	\$870.35
214/19.02	Damico, Smith Jessica 2 Boundary Road	\$358.92
231/7	Cohen, Lester & Ronnie 19 Hastings Road	782.91
		\$11,766.30

RESOLUTION #2022-250

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

WHEREAS, delinquent sewer charges totaling \$841.95 were paid to the Township on behalf of Western Monmouth Utilities Authority as per Schedule "A".

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$841.95 be refunded to Western Monmouth Utilities Authority.

Schedule A

BLOCK	LOT	QUALIFIER	PROPERTY LOCATION	AMOUNT
173	7	C0006	6 Vassar Place	\$841.95
Total Refunded to WMUA				\$841.95

At 8:20 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Council Vice President DiNuzzo, and as there was no objection; the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: NOVEMBER 10, 2022

OFFERED BY: DINUZZO

AYES: 4

SECONDED BY: SCALEA

NAYS: 0

ABSTAIN: MARDER

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
111022

JUNED QAZI,
COUNCIL PRESIDENT