

MARLBORO TOWNSHIP COUNCIL MEETING

September 17, 2020

The Marlboro Township Council held its regularly scheduled meeting remotely on September 17, 2020 at 7:00 P.M.

Council President Mazzola opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 7, 2020; published in the Asbury Park Press on January 9, 2020; 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 Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilwoman Marder, Councilman Metzger, Councilman Scalea and Council President Mazzola by conference call.

Also present: Mayor Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Chief Financial Officer Lori Russo, and Municipal Clerk Susan A. Branagan by conference call.

Councilman Scalea moved that the minutes of August 13, 2020 be approved. This was seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

The following Res. #2020-233/Ord. #2020-12 (Prohibiting Short Term Rentals) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Cantor. Council President Mazzola opened the Public Hearing. As there was no one who wished to speak, the Public Hearing was closed and Res. #2020-233 was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2020-233

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2020-12

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO AMEND THE CODE OF THE TOWNSHIP OF MARLBORO TO ADD A NEW CHAPTER ENTITLED "PROHIBITION OF SHORT-TERM RENTALS"

which was introduced on August 13, 2020, public hearing held on 17<sup>th</sup> day of September, 2020, be adopted on second and final reading this 17<sup>th</sup> day of September, 2020.

BE IT FURTHER RESOLVED, that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. #2020-234/Ord. #2020-13 (Amending Bond Ordinance 2014-6 - Construction of Force Main and Pump Station (Harbor Water Treatment Plant)) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2020-234

BE IT RESOLVED, by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2020-013

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2014-6 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 20, 2014, AS AMENDED BY ORDINANCE NO. 2015-4 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 12, 2015, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$12,565,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,565,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on October 1, 2020 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2020-13

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2014-6 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 20, 2014, AS AMENDED BY ORDINANCE NO. 2015-4 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 12, 2015, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$12,565,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,565,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), and AS FOLLOWS:

Ordinance No. 2014-6 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted on February 20, 2014, as amended by Ordinance No. 2015-4 finally adopted on February 12, 2015 (collectively, the "Prior Ordinance"), is hereby further amended in full to read as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$12,565,000 (representing an increase of \$165,000 from the Prior Ordinance). No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$12,565,000 (representing an increase of \$165,000 from the Prior Ordinance) pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the construction of a new water treatment plant on Harbor Road in the Township to replace the existing facility, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that, except as provided in N.J.S.A. 58:11B-9(e), no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,565,000 (representing an increase of \$165,000 from the Prior Ordinance), but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$2,475,000 (representing no increase from the Prior Ordinance) for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-46 and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Township reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued

pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

The following Res. #2020-235/Ord. #2020-14 (Amending Chapter 220, Article III, Section 220-102 Entitled "Wireless Telecommunication Towers and Facilities" for the Addition of New Sections "Licensing of Telecommunication Facilities") was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2020-14

AN ORDINANCE CREATING LICENSING PROVISIONS FOR TELECOMMUNICATIONS FACILITIES IN THE RIGHTS OF WAY BY AMENDING CHAPTER 220, ARTICLE III, SECTION 220-102 ENTITLED "WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES" by ADDING NEW SECTIONS 220-102.1 TO 220-102.56. "LICENSING OF TELECOMMUNICATION FACILITIES"

WHEREAS, the Federal Communications Commission has issued its Third Report and Order requiring approval of Small Wireless Facilities in the rights of way in certain circumstances; and

WHEREAS, the Federal Communications Commission recognizes local government authority to regulate such facilities; and.

WHEREAS, the Township of Marlboro wishes to establish clear local guidelines, standards and time frames for the exercise of local

authority with respect to regulation of telecommunications providers and services to the extent permitted by the Federal Communications Commission.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Marlboro that Section 220-102.1 of the General Ordinances of the Township of Marlboro is hereby created as follows:

SECTION I.

220-102.1 Licensing of Telecommunications Facilities.

220-102.2 Definitions.

For the purpose of this chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

AFFILIATE - A person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another person.

EXCESS CAPACITY - The volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.

EXISTING POLE - A pole that is in lawful existence within the public right-of-way.

OTHER WAYS - The highways, streets, alleys, utility easements or other rights-of-way within the Township, but under the jurisdiction and control of a governmental entity other than the Township.

OVERHEAD FACILITIES - Utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

PERSON - Includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

POLE - A long, slender, rounded support structure constructed of wood or metal located in the public right-of-way.

PROPOSED POLE - A pole that is proposed to be placed in the public right-of way.

PUBLIC STREET - Any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction and control of the Township which has been acquired, established, dedicated or devoted to highway purposes not inconsistent with telecommunications facilities.

PUBLIC WAY - Includes all public streets and utility easements, as those terms are defined herein, now or hereafter owned by the Township, but only to the extent of the Township 's right, title, interest or authority to grant a license to occupy and use such streets and easements for telecommunications facilities.

SMALL WIRELESS FACILITIES - Consistent with 47 C.F.R. § 1.6002(1), Small Wireless Facilities are facilities that meet the following conditions:

- (1) The facilities.
  - i. Are mounted on structures 50 feet or less in height including their antennas; or
  - ii. Are mounted on structures no more than 10 percent taller than other adjacent structures; or
  - iii. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under 47 C.F.R. Part 17; and
- (5) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).



STATE - The State of New Jersey.

SURPLUS SPACE - That portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Board of Public Utilities, to allow its use by a telecommunications carrier for a pole attachment.

TELECOMMUNICATIONS CARRIER - Includes every person that directly or indirectly owns, controls, operates or manages plant, equipment, or property within the Township, used or to be used for the purpose of offering telecommunications service.

TELECOMMUNICATIONS FACILITIES - The plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antenna, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.

TELECOMMUNICATIONS PROVIDER - Includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities.

TELECOMMUNICATIONS SERVICE - The providing or offering for rent, sale or lease, or an exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

TOWNSHIP - The Township of Marlboro.

TOWNSHIP COUNCIL - The governing body of the Township of Marlboro.

TOWNSHIP PROPERTY - Includes all real property owned by the Township, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the Township, which are not subject to the right-of-way licensing as provided in this chapter.

TREE - Any perennial plant having a diameter of four inches or greater measured at a point four feet above the ground.

UNDERGROUND FACILITIES - Utility and telecommunications facilities located under the surface of the ground, excluding the underground foundation or supports for overhead facilities.

USABLE SPACE - The total distance between the top of the utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the Board of Public Utilities (BPU).

UTILITY EASEMENT - Any easement owned by the Township and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.

UTILITY FACILITIES - The plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the public ways of the Township and used or to be used for the purpose of providing utility or telecommunications services.

### 220-102.3 Telecommunications license required.

Except as otherwise provided therein, any telecommunications carriers who desire to construct, install, operate, maintain, or otherwise locate Small Wireless Facilities in, under, over or across any public way of the Township for the sole purpose of providing telecommunications service to persons in areas outside the Township shall first obtain a license granting the use of such public ways from the Township pursuant to this chapter. Any telecommunications carriers who desire to construct, install, operate, maintain, or otherwise

locate Telecommunications Facilities other than Small Wireless Facilities in, under, over or across any public way of the Township must also obtain a license granting the use of such public ways from the Township; such applicants must submit the application information set forth in section 220-102.7, and consideration and approval of such applications shall be at the sole discretion of the Township Director of Community Development subject to the review and recommendation by the Township Engineer and the Township Attorney.

220-102.4 Violations and penalties.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be punishable as provided in Chapter 4, Section 4-3, General Penalties. A separate and distinctive offense shall be deemed committed each day on which a violation occurs or continues.

220-102.5 Other remedies.

Nothing in this chapter shall be construed as limiting any judicial remedies that the Township may have, at law or in equity, for enforcement of this chapter.

220-102.6 Agreement.

No license granted hereunder shall be effective until the applicant and the Township have executed a written agreement setting forth the particular terms and provisions under which the license to occupy and use public ways of the Township will be granted.

220-102.7 Small Wireless Facilities license application information.

Any person that desires a telecommunications license for a Small Wireless Facility pursuant to this chapter shall file an application with the Township which shall include the following information:

- A. The identity of the license applicant, including all affiliates of the applicant.
- B. A description of the telecommunications services that are or will be offered or provided by licensee over its telecommunications facilities.
- C. A description of the transmission medium that will be used by the licensee to offer or provide such telecommunications services.

D. Preliminary engineering plans, specifications and a network map of the facilities to be located within the Township, all in sufficient detail to identify:

- (1) The location requested for applicant's proposed Small Wireless Facilities.
- (2) A description of the type and height of the structure on which the Small Wireless Facilities are being mounted, and a description of the proximity of the equipment to any other equipment on the same structure.
- (3) The size and weight of the proposed equipment.
- (4) A description of any proposed lighting, and if any, proposed focusing/shielding to avoid projection towards adjacent/nearby properties.
- (5) A description of the noise output of the proposed Small Wireless Facility in decibels.
- (6) A description of any proposed excavation.
- (7) Radiofrequency radiation levels of the proposed equipment. This must include a certification of a professional engineer licensed in New Jersey that said levels do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b) and pursuant to Section 220-102(J) (1) of the Code of the Township of Marlboro.
- (8) The location of all overhead and underground public utility, telecommunication, cable, water, sewer drainage and other facilities in the public way at the proposed site.
- (9) The location(s), if any, for interconnection with the telecommunications facilities of other communications carriers.
- (10) The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.

E. If applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:

- (1) The excess capacity currently available in such ducts or conduits before installation of applicant's telecommunications facilities.

- (2) The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications facilities.
- F. If applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:
  - (1) The location proposed for the new ducts or conduits.
  - (2) The excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities.
- G. Identification of the type of pole being used. Use of existing poles in the public right-of-way is preferred. If applicant is requesting the installation of a proposed pole, the Township standard pole must be used. The Township standard pole shall be selected by the Township Administrator. Whenever possible, applicants should look to co-locate on existing poles to the extent feasible. The application for a proposed pole location may be denied if suitable existing poles are available in the requested area, pursuant to the discretion of the Director of Community Development.
- H. If applicant is proposing construction of facilities above ground, but below a height of 15 feet, applicant shall submit a survey with a minimum 50-foot radius that is adequate to demonstrate no negative impacts to sight distance or sight triangle. Such survey shall be submitted in NAVD88 datum.
- I. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public ways.
- J. A preliminary construction schedule and completion date.
- K. A preliminary traffic control plan in accordance with the New Jersey Department of Transportation regulations.
- L. Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities.
- M. Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application.
- N. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services.

O. All fees, deposits or charges required pursuant to this chapter.

220-102.8 Small Wireless Facilities fees, and escrows.

- A. Applicants seeking to install up to five Small Wireless Facilities shall pay an initial application fee of \$500. An additional \$100 shall be required for each Small Wireless Facility beyond five.
- B. An annual fee of \$275 per Small Wireless Facility per year for access to and inspection of such facilities shall be required.
- C. Pursuant to N.J.S.A. 54:30A-124, the Township shall recover reasonable professional fees for actual services incurred in the review of applications under this chapter. Applicant shall make a deposit in an escrow account for professional fees in the amount of Two Thousand (\$2,000.00) dollars. If said escrow account contains insufficient funds to enable the Township to perform its review, the Chief Financial Officer shall provide the applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within fifteen (15) days, post a deposit to the account in an amount to be mutually agreed upon.

220-102.9 Review of Small Wireless Facilities applications.

Applicants seeking to install Small Wireless Facilities within the Township, including within the public right-of-way, shall submit an application to the Township. Small Wireless Facilities applications shall be reviewed by the Township pursuant to the following:

- A. The Township Director of Community Development shall review applications to co-locate Small Wireless Facilities on existing structures within 60 days of receipt of the application, and applications for new construction of Small Wireless Facilities within 90 days. "Batch" applications seeking both to collocate and to construct new Small Wireless Facilities shall be reviewed within 90 days.
- B. The time period for review shall be tolled during any period in which the applicant is notified that it has not submitted a complete application.
- C. Complete applications that comply with the standards set forth in Section 220-102.7 shall be granted within the applicable time period.

220-102.10 Nonexclusive grant.

No license granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the Township for delivery of telecommunications services or any other purposes.

220-102.11 Rights granted.

No license granted under this chapter shall convey any right, title or interest in the public ways, but shall be deemed a license only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no license shall be construed as any warranty of title.

220-102.12 Term of grant.

Unless otherwise specified in a license agreement, a telecommunications license granted hereunder shall be in effect for a term of five years.

220-102.13 License route.

A Small Wireless Facilities license granted under this chapter shall be limited to a grant of specific public ways and defined portions thereof.

220-102.14 Construction permits.

All licensees are required to obtain construction permits as required by applicable Law for Small Wireless Facilities; provided, however, that nothing in this chapter shall prohibit the Township and a licensee from agreeing to alternative plan review, permit and construction procedures, provided such alternative procedures provided substantially equivalent safeguards for reasonable construction practices and are not in derogation of any applicable provisions of the Uniform Construction Code.

220-102.15 Amendment of grant.

- A. A new license application and grant shall be required of any telecommunications carrier that desires to extend or locate its Small Wireless Facilities in public ways of the Township which are not included in a license previously granted under this chapter.
- B. If ordered by the Township to locate or relocate its Small Wireless Facilities in public ways not included in a previously granted license, the Township shall grant a license amendment without further application.

220-102.16 Renewal applications.

A licensee that desires to renew its license under this chapter shall, not more than 180 days nor less than 90 days before expiration of the current license, file an application with the Township for renewal of its license which shall include the following information:

- A. The information required pursuant to section 220-102.7 of this chapter.
- B. Any information required pursuant to the license agreement between the Township and the grantee.
- C. Such additional reasonable and relevant information as may be determined by the Township Director of Community Development as essential for acting upon the renewal application.

220-102.17 Renewal determinations.

Within 90 days after receiving a complete application under section 220-102.7 hereof, the Township shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for nonrenewal.

- A. The financial and technical ability of the applicant.
- B. The legal ability of the applicant.
- C. The continuing capacity of the public ways to accommodate the applicant's existing facilities.
- D. The applicant's compliance with the requirements of this chapter and the license agreement.
- E. Applicable federal, state and local telecommunications laws, rules and policies.
- F. Such other factors as may demonstrate that the continued grant to use the public ways will serve the community interest.

220-102.18 Obligation to cure as a condition of renewal.

No license shall be renewed until any ongoing violations or defaults in the licensee's performance of the license agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the Township.

220-102.19 Regulatory fees and compensation not a tax.

The regulatory fees and costs provided for in this chapter are separate from, and additional to, any and all federal, state, local and Township taxes as may be levied, imposed or due from a telecommunications carrier or provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services.



220-102.20 Small Wireless Facilities standards.

Small Wireless Facilities shall be co-located on existing structures whenever possible and to the extent feasible. Co-location of Small Wireless Facilities is preferred to construction of new structures intended to solely support a Small Wireless Facility, unless the new structure is designed to conceal the Small Wireless Facility.

A. Absent a showing of necessity, the following shall apply:

- (1) There shall be no more than one Small Wireless Facility located on any single structure.
- (2) Small Wireless Facilities shall not be located within 200 feet of any existing Small Wireless Facilities.

B. No new Small Wireless Facilities shall be located within five (5) feet of a private driveway or in a manner that would otherwise obstruct visibility from a private driveway to the public right of way.

C. Any required accessory equipment, not including the antenna, shall be located underground to the extent possible. Accessory equipment that cannot be located underground must be located on the structure. No accessory equipment may be located on the ground adjacent to the structure. Antennas and associated equipment for Small Wireless Facilities located in a flood zone shall be mounted on the supporting structure at or above the FEMA Base Flood Elevation plus any Federal, State or Local freeboard requirement or shall be located in a flood proof underground cabinet.

D. Any disturbance to the public right of way as a result of the construction of the Small Wireless Facilities shall be restored to its original condition post construction to the satisfaction of the Township Engineer

220-102.21 Compliance with other regulations.

All license or franchise grantees shall, before commencing any construction in the public ways, comply with all regulations of the BPU and of the applicable state, federal and local regulations.

220-102.22 Interference with public ways prohibited.

No licensee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public ways by the Township, by the general public or by other persons authorized to use or be present in or upon the public ways. All such facilities

shall be moved by the licensee, temporarily or permanently, as determined by the Township Engineer.

220-102.23 Damage to property.

No licensee nor any person acting on a licensee's behalf shall take any action or permit any action to be done which may impair or damage any Township property, public ways of the Township, other ways or other property located in, on or adjacent thereto.

220-102.24 Notice of works.

Unless otherwise provided in a license agreement, no licensee nor any person acting on the licensee's behalf shall commence any nonemergency work in or about the public ways of the Township or other ways within 10 working days advanced notice to the Township.

220-102.25 Repair and emergency work.

In the event of an unexpected repair or emergency, a licensee may commence such repair and emergency response work as required under the circumstances, provided that the licensee shall notify the Township as promptly as possible, before such repair or emergency work or as soon thereafter as possible, if advanced notice is not practicable.

220-102.26 Maintenance of facilities.

Each licensee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

220-102.27 Relocation or removal of facilities.

Within 30 days following written notice from the Township, a licensee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public ways whenever the Township shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

A. The construction, repair, maintenance or installation of any Township or other public improvement in or upon the public ways.

B. The operations of the Township or other governmental entity in or upon the public ways.

220-102.28 Removal of unauthorized facilities.

Within 30 days following written notice from the Township, any licensee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility or related appurtenances within the public ways of the Township shall, at its own expense, remove such facilities or appurtenances from the public ways of the Township. A

telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

- A. Upon expiration or termination of the licensee's telecommunications license.
- B. Upon abandonment of a facility within the public ways of the Township.
- C. If the system or facility was constructed or installed without the prior grant of a telecommunications license.
- D. If the system or facility was constructed or installed without the prior issuance of a required construction permit.
- E. If the system or facility was constructed or installed at a location not permitted by the licensee's telecommunications license.

220-102.29 Emergency removal or relocation of facilities.

The Township retains the right and privilege to cut or move any telecommunications facilities located within the public ways of the Township, as the Township may determine to be necessary, appropriate or useful in response to any public health or safety emergency.

220-102.30 Damage to licensee's facilities.

Unless directly and proximately caused by the willful, intentional or malicious acts by the Township, the Township shall not be liable for any damage to or loss of any telecommunications facility within the public ways of the Township as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public ways by or on behalf of the Township.

220-102.31 Restoration of public ways, other ways and Township property.

- A. When a licensee or any person acting on its behalf does any work in or affecting any public ways, other ways or Township property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to as good a condition as existed before the work was undertaken, unless otherwise directed by the Township.
- B. If weather or other conditions do not permit the complete restoration required by this section, the licensee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the licensee's sole expense and the licensee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

- C. A licensee or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle property by reason of such work in or affecting such ways or property and as required by the Traffic Control Plan, Section 220-102.48 of this chapter.
- D. All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation, maintenance, repair or replacement of telecommunications facilities shall be replaced or restored as nearly as may be practicable, to its condition existing prior to the start of construction or performance of work. All restoration work within the public ways shall be done in accordance with landscape plans approved by the Township Engineer and as required by this chapter.

220-102.32 Facilities maps.

Each licensee shall provide the Township with an accurate map or maps certifying the location of all telecommunications facilities within the public ways. In addition, the licensee shall provide a computer aided design and drafting file containing the facilities' mapping in the GIS file format (.dwg and .pdf). Each licensee shall provide updated maps annually.

220-102.33 Duty to provide information.

Within 10 days of a written request from the Township, each licensee shall furnish the Township with information sufficient to demonstrate:

- A. That licensee has complied with all requirements of this chapter.
- B. All books, records, maps and other documents, maintained by the licensee with respect to its facilities within the public ways shall be made available for inspection by the Township at reasonable times and intervals.

220-102.34 Licensee insurance.

- A. Unless otherwise provided in a license agreement, each licensee shall, as a condition of the license, secure and maintain the following liability insurance policies insuring both the licensee and the Township, and its elected and appointed officers, officials, agents and employees as co-insureds.

- (1) Comprehensive general liability insurance with limits not less than:
- (a) For bodily injury or death to each person: \$5,000,000.
  - (b) For property damage resulting from any one accident: \$5,000,000.
  - (c) For all other types of liability: \$5,000,000.
- B. Automobile liability for owned, non-owned and hired vehicles with a limit of \$3,000,000 for each person and \$3,000,000 for each accident.
- C. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than \$1,000,000.
- D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than \$3,000,000.
- E. The liability insurance policies required by this section shall be maintained by the licensee throughout the term of the telecommunications license, and such other period of time during which the licensee is operating without a license hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement: "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the Township, by registered or certified mail, of a written notice, addressed to the Township Clerk, of such intent to cancel or not to renew."
- F. Within 60 days after receipt by the Township of said notice, and in no event later than 30 days prior to said cancellation, the licensee shall obtain and furnish to the Township replacement insurance policies meeting the requirements of this section.

220-102.35 General indemnification.

Each license agreement shall include, to the extent permitted by law, licensee's express undertaking to defend, indemnify and hold the Township and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the licensee or its affiliates, officers, employees, agents, contractors or subcontracts in the construction, operation, maintenance, repair or removal of its telecommunications facilities, and in providing or

offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a grant agreement made or entered into pursuant to this chapter.

220-102.36 Construction and completion bond.

Unless otherwise provided in a license agreement, a performance bond written by a corporate surety acceptable to the Township equal to at least 100% of the estimated cost of constructing licensee's telecommunications facilities within the public ways of the Township shall be deposited before construction is commenced.

- A. The construction bond shall remain in force until released by the Township. Licensee may apply, in writing, for such release upon the lapse of at least 60 days after substantial completion of the work, as determined by the Township Engineer, including restoration of public ways and other property affected by the construction. The Township Engineer shall, within 45 days of receipt of the licensee's written request for release, file a written recommendation with the governing body concerning the release. The Township Director of Community Development shall take formal action on the request for release within 45 days of the filing of the Township Engineer's recommendation.
- B. The construction bond shall guarantee, to the satisfaction of the Township:
  - (1) Timely completion of construction;
  - (2) Construction in compliance with applicable plans, permits, technical codes and standards;
  - (3) Proper location of the facilities as specified by the Township;
  - (4) Restoration of the public ways and other property affected by the construction;
  - (5) The submission of as-built drawings, as well as a computer aided design and drafting files containing the drawings in the GIS format (.dwg and .pdf) , after completion of the work as required by this chapter; and
  - (6) Timely payment and satisfaction of all payments then due to the Township, all claims, demands or liens for labor, material or services provided in connection with the work.

220-102.37 Coordination of construction activities.

All licensees are required to cooperate with the Township and with each other.

- A. By February 1 of each year, licensees shall provide the Township with a schedule of their proposed construction activities in, around or that may affect the public ways.
- B. Each licensee shall meet with the Township, other licensees and users of the public ways annually or as determined by the Township to schedule and coordinate construction in the public ways.
- C. All construction locations, activities and schedules shall be coordinated, as ordered by the Township Engineer, to minimize public inconvenience, disruption or damages.

220-102.38 Assignments or transfers of license.

Ownership or control of a telecommunications system or license may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the licensee, by operation of law or otherwise, without the prior consent of the Township, which consent shall not be unreasonably withheld or delayed, as expressed by formal act and then only on such reasonable conditions as may be prescribed therein.

- A. No license shall be assigned or transferred in any manner within 12 months after the initial grant of the license, unless otherwise provided in a license agreement.
- B. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.
- C. Licensee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the Township not less than 150 days prior to the proposed date of transfer:
  - (1) Complete information setting forth the nature, terms and conditions of the proposed transfer or assignment;
  - (2) All information required of a telecommunications license applicant pursuant to this chapter with respect to the proposed transferee or assignee;
  - (3) Any other information reasonably required by the Township.
- D. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this chapter.
- E. Unless otherwise provided in a license agreement, the grantee shall reimburse the Township for all direct and indirect fees, costs, and expenses reasonably incurred by the Township in

considering a request to transfer or assign a telecommunications license.

- F. Any transfer or assignment of a telecommunications grant, system or integral part of a system without prior approval of the Township under this section or pursuant to a license agreement shall be void and is cause for revocation of the license.

220-102.39 Transactions affecting control of grant.

Any transactions which singularly or collectively result in a change of 10% or more of the ownership or working control of the licensee, of the ownership or working control of a telecommunications license or the ownership or working control of affiliated entities having ownership or working control of the licensee or of a telecommunications system, or of control of the capacity or bandwidth of licensee's telecommunications system, facilities or substantial parts thereof, shall be considered an assignment or transfer requiring Township approval pursuant to section 220-102.38 hereof. Transactions between affiliated entities are not exempt from Township approval.

220-102.40 Revocation or termination of license.

A license granted by the Township to use or occupy public ways of the Township may be revoked for the following reasons:

- A. Construction or operation in the Township or in the public ways of the Township contrary to a license grant.
- B. Construction or operation at an unauthorized location.
- C. Unauthorized substantial transfer of control of the licensee.
- D. Unauthorized assignment of a license.
- E. Unauthorized sale, assignment or transfer of licensee's assets, or a substantial interest therein.
- F. Misrepresentation or lack of candor by or on behalf of a licensee in any application to the Township.
- G. Abandonment of telecommunications facilities in the public ways.
- H. Failure to relocate or remove facilities as required in this chapter.
- I. Failure to pay fees and costs when and as due the Township.
- J. Insolvency or bankruptcy of the licensee.
- K. Violation of material provisions of this chapter.
- L. Violation of the material terms of a license agreement.



220-102.41 Notice and duty to cure.

In the event that the Township Director of Community Development believes that grounds exist for revocation of a license, it shall give the licensee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the licensee a reasonable period of time not exceeding 30 days to furnish evidence:

- A. That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance.
- C. That rebuts the alleged violation or noncompliance.
- D. That it would be in the public interest to impose some penalty or sanction less than revocation.

220-102.42 Hearing.

In the event that a licensee fails to provide evidence reasonably satisfactory to the Township Director of Community Development as provided in section 220-102.41 hereof, the Director shall provide the licensee with notice and a reasonable opportunity to be heard concerning the matter.

220-102.43 Standards for revocation or lesser sanctions.

If persuaded that the licensee has violated or failed to comply with material provisions of this chapter, or of a license agreement, the Director shall determine whether to revoke the license or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

- A. Whether the misconduct was egregious.
- C. Whether substantial harm resulted.
- D. Whether the violation was intentional.
- E. Whether there is a history of prior violations of the same or other requirements.
- F. Whether there is a history of overall compliance.
- G. Whether the violation was voluntarily disclosed, admitted or cured.

220-102.44 General.

No person shall commence or continue with the construction, installation or operation of telecommunications facilities within the Township except as provided in this chapter.

220-102.45 Construction codes.

Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal,

state, and local codes, rules and regulations including the Electrical Code and Uniform Construction Code currently in effect.

220-102.46 Construction permits.

No person shall construct or install any telecommunications facilities within the Township without first obtaining a license therefor; provided, however, that no license shall be issued for the construction or installation of telecommunications facilities in the public ways unless the telecommunications carrier has applied for and received a license pursuant to this chapter.

220-102.47 Engineer's certification.

All license applications shall be accompanied by the certification of a professional engineer licensed in New Jersey that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

220-102.48 Traffic control plan.

All license applications which involve work on, in, under, across or along any public ways shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with the New Jersey Department of Transportation regulations, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic. The plan will be submitted to the Marlboro Township Chief of Police for review and approval. The Township may require the applicant to hire traffic directors (off-duty police officers) on an as-needed basis.

220-102.49 Construction schedule.

The licensee shall submit a written construction schedule to the Township Engineer 10 working days before commencing any work in or about the public ways. The licensee shall further notify the Township Engineer not less than two working days in advance of any excavation or work in the public ways.

220-102.50 Display of license.

The licensee shall maintain a copy of the license and approved plans at the construction site, which shall be displayed and made available for inspection by the Township Engineer or his representatives at all times when construction work is occurring.

220-102.51 Survey of underground facilities.

If the license specifies the location of facilities by depth, line, grade, proximity to other facilities or other standard, the licensee shall cause the location of such facilities to be verified by a licensed New Jersey land surveyor. The licensee shall relocate any

facilities which are not located in compliance with license requirements.

220-102.52 Noncomplying work.

Upon order of the Township Engineer, all work which does not comply with the license, the approved plans and specifications for the work, or the requirements of this chapter, shall be removed.

220-102.53 Completion of construction.

The licensee shall promptly complete all construction activities so as to minimize disruption of the Township ways and other public and private property. All construction work authorized by a license within Township ways, including restoration, must be completed within 120 days of the date of issuance.

220-102.54 As-built drawings.

Within 60 days after completion of construction, the licensee shall furnish the Township with two complete sets of plans, drawn to scale and certified to the Township as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit. This information shall be provided through computer aided design and drafting files in a GIS file format (.dwg and .pdf).

220-102.55 Exceptions.

Unless otherwise provided in a license agreement, all telecommunications carriers are subject to the requirements of this chapter.

220-102.56 Responsibility of owner.

The owner of the facilities to be constructed and, if different, the licensee, are responsible for performance of and compliance with all provisions of this chapter.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

The following Res. #2020-236 (Adjusting the Annual LOSAP Contribution and Certifying List of Qualified Volunteer Members) was introduced by reference, offered by Councilman Metzger, seconded by Council President Mazzola and passed on a roll call vote of 4 - 0 in favor (Council Vice President Cantor abstaining).

RESOLUTION # 2020-236

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

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

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

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

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 1.9%, making the annual contribution \$1,342.54 per qualifying participant; and

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

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

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

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

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2019, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Marlboro First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

The following Res. #2020-237 (Renewal of Liquor Licenses - July 1, 2020 to June 30, 2021) was introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2020-237

BE IT RESOLVED, by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2020 through June 30, 2021:

- |  |                 |
|--|-----------------|
| 1. Hituja Corp.<br>T/A Marlboro Buy Rite Liquors       | 1328 44 001 006 |
| 2. 476 Route 520 Corp.<br>T/A Samvera Restaurant       | 1328 33 002 013 |
| 3. Just Sports Bar & Grill<br>T/A Fireside Grill & Bar | 1328 33 003 004 |
| 4. Anthony's Bella Vista Country Club                  | 1328 33 004 005 |
| 5. S & A Route 79, Inc.<br>T/A Crown Palace            | 1328 33 005 008 |
| 6. Marlboro BWW LLC                                    | 1328 33 007 006 |
| 7. Pampini, LLC T/A Brioso                             | 1328 33 008 011 |
| 8. M. S. D. Enterprise, Inc.<br>T/A Martucci's Deli    | 1328 44 009 004 |
| 9. Morganville Ind. Vol. Fire Co.                      | 1328 31 012 001 |
| 10. Morganville Vol. Fire Co.                          | 1328 31 013 001 |
| 11. J.R.J. Hospitality Inc.<br>T/A Nonna's             | 1328 33 015 012 |

- |  |                 |
|--|-----------------|
| 12. Cambridge Spirits, Inc.                              | 1328 44 016 004 |
| 13. Zin Marlboro, LLC<br>T/A Zinburger Wine & Burger Bar | 1328 33 017 003 |
| 14. Rosalita's Roadside Cantina                          | 1328 33 018 002 |
| 15. B & B Hospitality Group<br>T/A Osteria               | 1328 33 019 002 |
| 16. Cuzin's Clam Bar LLC                                 | 1328 33 020 004 |
| 17. Exit 123 Liquors, LLC<br>T/A Wine Academy            | 1328 44 021 001 |
| 18. Anthony's Coal Fired Pizza                           | 1328 33 022 001 |

BE IT FURTHER RESOLVED, that pursuant to NJAC 13: 2-19.7, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Res. #2020-238 (Renewal of Liquor License - July 1, 2020 to June 30, 2021 - Wickatunk Holdings, LLC) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor (Council President Mazzola abstaining).

RESOLUTION # 2020-238

BE IT RESOLVED, by the Township Council of the Township of Marlboro that the following Liquor License be and they are hereby renewed for the period beginning July 1, 2020 through June 30, 2021:

Wickatunk Holdings LLC	1328 33 010 003
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BE IT FURTHER RESOLVED, that pursuant to NJAC 13: 2-19.7, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Council President Mazzola, and passed on a roll call vote of 5 - 0 in favor:

RESOLUTION # 2020-239

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF EDISON FOR THE PROVISION OF PROCUREMENT SERVICES IN CONNECTION WITH ELECTRONIC PAYMENT PROCESSING SERVICES

WHEREAS, the Township of Marlboro ("Marlboro") employs a Qualified Purchasing Agent ("QPA"); and

WHEREAS, the Township of Edison ("Edison") requires electronic payment processing services for various licensing and permitting applications; and

WHEREAS, the Township of Marlboro ("Marlboro") requires electronic payment processing services for various licensing and permitting applications; 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, N.J.S.A. 40A:65-4 (a)(1) further permits any local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units including services from licensed or certified professionals required by statute to be appointed; and

WHEREAS, the Township of Marlboro and the Township of Edison 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 has offered to provide procurement services for purposes of jointly soliciting the electronic payment processing services required by both Marlboro and Edison; and

WHEREAS, Marlboro and Edison have negotiated a Shared Services Agreement, substantially similar in form to that 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, Marlboro and Edison have determined that a joint solicitation for electronic payment processing services is most advantageous for the taxpayers of both municipalities, reducing administrative costs and providing for a combined larger amount of transactions to attract a more expansive pool of bidders offering more competitive pricing.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Edison 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 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 Township Clerk are hereby authorized to execute a Shared Services Agreement substantially similar in form to that which is annexed hereto as EXHIBIT A.

RESOLUTION #2020-240

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR  
REIMBURSEMENT OF COSTS OF HEPATITIS B INOCULATIONS FROM THE NEW  
JERSEY DEPARTMENT OF HEALTH

WHEREAS, the New Jersey Department of Health has announced that funds are available from the Hepatitis Inoculation Fund for the reimbursement of costs of hepatitis B inoculations for certain emergency medical technicians, firefighters and police officers; and

WHEREAS, each municipality may receive up to \$5,000 in reimbursement for the cost of protecting its emergency medical technicians, firefighters and police officers against hepatitis B; and

WHEREAS, payments of funds to municipalities will be based on the collection of state forfeiture recoveries from confiscated property that had been involved in illegal activity; and

WHEREAS, the Township wishes to apply for reimbursement from the New Jersey Department of Health and Senior Services for up to the maximum amount of funding available.



NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Health and execute an agreement for reimbursement from the Hepatitis Inoculation Fund.

RESOLUTION #2020-241

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED NOVEMBER 9, 2011, AGAINST A PROPERTY LOCATED AT 2 SHERBROOKE LANE, MORGANVILLE, NEW JERSEY, AND OWNED BY BARRY J. IVLER AND BONNIE JAY IVLER, HUSBAND AND WIFE

WHEREAS, the Township of Marlboro currently operates and participates under the auspices of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) as to its affordable housing obligations; and

WHEREAS, the homeowners hereunder, Barry J. Ivler and Bonnie Jay Ivler, husband and wife ("the Homeowners"), purchased a residence which is commonly known as 2 Sherbrooke Lane, in the Township of Marlboro, and said home can be more specifically identified as Lot 13, Block 267 ("the Residence"); and

WHEREAS, the Homeowners previously made application to the then administrative agent as to Marlboro Township's "Housing Rehabilitation Program"; and

WHEREAS, Marlboro's administrative agent issued a "certificate of eligible household" to the Homeowners on July 28, 2011; and

WHEREAS, as part and parcel of participating in the rehabilitation program the Homeowners executed a mortgage to Marlboro Township (dated November 9, 2011) to secure a forgivable loan of \$16,875.00 with said mortgage being recorded on November 8, 2012, in the Monmouth County Clerk's Office in deed book OR-8979, at page 8611 et seq. ("the Marlboro Mortgage"); and

WHEREAS, by virtue of the foregoing, the Residence was made subject to the Marlboro Mortgage and the Uniform Housing Affordability Controls act which is codified at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Homeowners have now negotiated with The Federal Savings Bank ("the Lender") to refinance their existing first mortgage against the Residence (currently held by PennyMac Loan Services, LLC); and

WHEREAS, as a condition of the imminent refinancing with the Lender, the Lender requires a subordination of the Marlboro Mortgage; and

WHEREAS, the Homeowners now desire to refinance and as a consequence thereof, they too ask the Marlboro Township Town Council to approve a subordination of the Marlboro Mortgage in order to facilitate their refinance application; and

WHEREAS, it has been determined that there is good cause to grant this subordination of the Marlboro Mortgage to the new loan to be made to the Homeowners by the Lender;

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED, that subsequent to the signature of the said subordination that this subordination 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. Affordable Housing Liaison
- c. CGP&H (administrative agent)
- d. Township Attorney
- e. Kenneth W. Biedzynski, Affordable Housing Special Counsel

RESOLUTION # 2020-242

A RESOLUTION OF THE TOWNSHIP OF MARLBORO APPROVING A SITE ACCESS AGREEMENT BETWEEN JAMISON REALTY, LLC & MIDATLANTIC ENGINEERING PARTNERS LLC AND THE TOWNSHIP OF MARLBORO FOR THE ENVIRONMENTAL REMEDIATION OF THE UNION HILL COMMUTER PARKING LOT LOCATED AT 20 UNION HILL ROAD, MARLBORO, NEW JERSEY

WHEREAS, the Township of Marlboro owns property commonly known as the Union Hill Road Marlboro Commuter Parking Lot ("Commuter Parking Lot"), 20 Union Hill Road, Marlboro, New Jersey, which is designated on the Township of Marlboro Tax Map as Block 299, Lot 20; and

WHEREAS, Environmental Assessments of the Commuter Parking Lot site identified ground water contamination as a result of an off-site leaking underground storage tank, consisting of benzene, methyl-tertiary butyl ether (MTBE) and other contaminants; and

WHEREAS, historic remedial investigation results indicate that an off-site plume of gasoline related hydrocarbons has migrated in the ground water, south from the Jamison property to beneath a portion of the Commuter Parking Lot on the south side of Union Hill Road; and

WHEREAS, remediation of said ground water is required in order to comply with the New Jersey Department of Environmental Protection's Ground Water Quality Standards; and

WHEREAS, MidAtlantic Engineering Partners has been retained by Jamison Realty, LLC to investigate and remediate the ground water contamination; and

WHEREAS, MidAtlantic Engineering Partners requires access to the Commuter Parking Lot to perform environmental remediation at the Commuter Parking Lot, which shall include the activities of drilling injection wells, injection of oxidizer, sampling and periodic testing at the monitoring wells located on the property and abandonment of injection and monitoring wells after completion of said remediation; and

WHEREAS, MidAtlantic Engineering Partners will need to excavate a portion of the Commuter Parking Lot in order to complete said environmental remediation, which will, result in the temporary loss of parking spots; and

WHEREAS, Jamison Realty, LLC shall be required to compensate the Township of Marlboro for the loss of temporary parking in the amount of \$661.92.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, NEW JERSEY, THAT: MidAtlantic Engineering Partners, on behalf of Jamison Realty, LLC is hereby authorized to conduct environmental remediation at the Union Hill Commuter Parking Lot located at 20 Union Hill Road, Marlboro New Jersey.

BE IT FURTHER RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, NEW JERSEY, THAT: It hereby authorizes the Township of Marlboro to enter into a Site Access Agreement with Jamison Realty, LLC to permit access to the Commuter Parking Lot for purposes of conducting the environmental remediation and requires Marlboro to be compensated in the amount of \$661.92 for the temporary loss of parking at the Union Hill Commuter Parking Lot located at 20 Union Hill Road, Marlboro New Jersey.

RESOLUTION #2020-243

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS TO L.J. PESCE, LLC AND TRI COUNTY TURF, LLC FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on August 11, 2020, received two (2) bids received as follows:

<b>BASE BID</b>		<b>No Set up Fee/Hourly Rate Only</b>							
Bidder	Vehicle	# of Vehicles			Equipment Cost	Labor Cost	Fuel Cost	Insurance Cost	TOTAL RATE
	Desc.				(per vehicle hour)	(per vehicle hour)	(per vehicle hour)	(per vehicle hour)	(per vehicle hour)
L.J. Pesce, LLC	Class 1	3			\$260.00	\$50.00	\$25.00	\$15.00	\$350.00 /hr
	Class 2	3			\$260.00	\$50.00	\$25.00	\$15.00	\$350.00 /hr
	Class 3	1			\$210.00	\$45.00	\$20.00	\$15.00	\$290.00 /hr
Tri County Turf, LLC	Class 1	11			\$272.00	\$61.00	\$15.00	\$83.00	\$431.00 /hr
	Class 2	No Bid			No Bid	No Bid	No Bid	No Bid	No Bid /hr
	Class 3	No Bid			No Bid	No Bid	No Bid	No Bid	No Bid /hr
<b>ALTERNATE BID #2</b>		<b>Set up Fee + Hourly Rate</b>							
Bidder	Vehicle	# of Vehicles	Set up Fee	TOTAL SET UP FEE	Equipment Cost	Labor Cost	Fuel Cost	Insurance Cost	TOTAL RATE
	Desc.		(per vehicle)		(per vehicle hour)	(per vehicle hour)	(per vehicle hour)	(per vehicle hour)	(per vehicle hour)
L.J. Pesce, LLC	Class 1	3	\$3,000.00	\$9,000.00	\$200.00	\$50.00	\$25.00	\$15.00	\$290.00 /hr
	Class 2	3	\$3,000.00	\$9,000.00	\$200.00	\$50.00	\$25.00	\$15.00	\$290.00 /hr
	Class 3	1	N/A	N/A	\$170.00	\$45.00	\$20.00	\$15.00	\$250.00 /hr
Tri County Turf, LLC	Class 1	11	\$3,300.00	\$36,300.00	\$190.00	\$61.00	\$15.00	\$44.00	\$310.00 /hr
	Class 2	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid /hr
	Class 3	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid /hr

; and

WHEREAS, in a memo dated August 28, 2020, the Department of Public Works has reported that L.J. Pesce, LLC is responsive and has recommended that a contract for Class I, II and III for an amount not to exceed \$177,200.00 based upon 80 hours be awarded to L.J. Pesce, LLC 100 Igoe Road, Morganville, NJ 07751:

	#	Hourly rate	Set up/per vehicle	Set-up	Hourly	Total
Class I	3	290	3,000	9,000.00	69,600.00	78,600.00
Class II	3	290	3,000	9,000.00	69,600.00	78,600.00
Class III	1	250	0	0.00	20,000.00	20,000.00
				18,000.00	159,200.00	177,200.00

; and

WHEREAS, in a memo dated August 28, 2020, the Department of Public Works has reported that Tri County Turf, LLC is responsive and has recommended that a contract for Class I for an amount not to exceed

\$309,100.00 based upon 80 hours be awarded to Tri County Turf, LLC, 81 John White Road, Cranbury, NJ, 08512:

	#	Hourly rate	Set up/per vehicle	Set-up	Hourly	Total
Class I	11	310	3,300	36,300.00	272,800.00	309,100.00
Class II	0	0		0.00	0.00	0.00
Class III	0	0	0	0.00	0.00	0.00
				36,300.00	272,800.00	309,100.00

; and

WHEREAS, by the Township Council of the Township of Marlboro, that contracts be awarded for 2020-2021 snow plowing services for a term of one (1) year plus two (2) single option years at the Township's sole discretion:

Vendor Name	Address	City	St	Total
L.J. Pesce, LLC	100 Igoe Road	Morganville	NJ	177,200.00
Tri County Turf, LLC	81 John White Rd	Cranbury	NJ	309,100.00
				486,300.00

; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department 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 contracts be awarded to L.J. Pesce, LLC whose address is 100 Igoe Road, Morganville, NJ 07751 for an amount not to exceed \$177,200.00 for the PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded to Tri County Turf, LLC, whose address is 81 John White Road, Cranbury, NJ, 08512 for an amount not to exceed \$309,100.00 for the PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with L.J. Pesce, LLC and Tri County Turf, LLC, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township

Attorney.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds in the amount of \$97,500.00 are available in Current Account No. 01-201-26-119-288105 for the services for 2020.

BE IT FURTHER RESOLVED, funds for the 2021 portion of the contract totaling \$388,800.00 will be made available and certified by the Chief Financial Officer upon adoption of the 2021 municipal budget.

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

- a. L.J. Pesce, LLC
- b. Tri County Turf, LLC
- c. Business Administrator
- d. Chief Financial Officer
- e. Director of Public Works

RESOLUTION # 2020-244

RESOLUTION AUTHORIZING AWARD OF ESCNJ COOPERATIVE CONTRACT #17/18-30 TO TRIUS, INC. FOR REFURBISHMENT OF TOWNSHIP-OWNED FREIGHTLINER TRUCK TRACTORS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2020 capital program (120-7) authorized the refurbishment of various Township-owned equipment for the Department of Public Works; and

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

WHEREAS, TRIUS, Inc. was awarded the ESCNJ Cooperative Contract #17/18-30 for the parts and repairs for the refurbishment of Township-owned Freightliner Truck tractors (units #0907 and #0732) in an amount not to exceed \$97,410.73 per the attached quotation provided; and

WHEREAS, in a memo dated June 10, 2020 the Director of Public Works has indicated that the refurbishment of the Township-owned Freightliner Truck tractors represents the best value for the Township; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, for the Department of Public Works to refurbish the Township-owned Freightliner Truck tractors (units #0907 and #0732) through Trius, Inc. in an amount not to exceed \$97,410.73; 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 authorization is hereby granted to refurbish the Township-owned Freightliner Truck tractors (units #0907 and #0732) through Trius, Inc., 5049 Industrial Road, Farmingdale, NJ 07727, under ESCNJ Cooperative Contract #17/18-30 in an amount not to exceed \$97,410.73.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Foley, Inc., in accordance with this resolution, 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 \$97,410.73 in Capital Account #04-215-20-05E-120297.

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

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

RESOLUTION #2020-245

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

WHEREAS, the Township of Marlboro authorized various road and drainage improvements (20-060-01, 04, 06, 7, 24.1, 24.2, 60) under its 2020 capital program ("Project"); and

WHEREAS, the Township is in need of professional engineering services, consisting of design, permitting, bid and construction

phase services in connection with the Project ("Professional Services"); and

WHEREAS, CME Associates has provided a proposal dated May 11, 2020 and revised September 14, 2020 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Project by way of its Township Engineers at a fee not to exceed \$180,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$180,000.00 are available in Capital Account 04-215-20-05C-060288 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 for the Project in accordance with the Proposal; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates 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 \$180,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated



May 11, 2020 and revised September 14, 2020, be and is hereby authorized; and

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

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 \$180,000.00 for such additional Professional Services for the Project as described in the Proposal; and

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; and

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

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2020-246

A RESOLUTION APPROVING CLOSE OUT AND FINAL PAYMENT TO OLD BRIDGE TOWNSHIP FOR THE RESURFACING OF SPRING VALLEY ROAD IN ACCORDANCE WITH COST SHARE AGREEMENT UNDER THE 2019 ROADWAY IMPROVEMENT PROJECT

WHEREAS, by Resolution #2019-159 the Township of Marlboro authorized a cost share agreement with Old Bridge Township for the resurfacing of Spring Valley Road between the Old Bridge border and NJSH Route 79 with an estimated construction cost of \$319,595.00; and

WHEREAS, following a public bidding process, Old Bridge Township awarded their annual Road Program project to P and A Construction, which included the resurfacing of Spring Valley Road (the "Project"); and

WHEREAS, the final payment to Old Bridge Township based on the as built quantities and the unit prices bid by P and A Construction results in a final construction cost amount of \$272,442.76 resulting

in a decrease of \$47,152.24 from the original agreement amount of \$319,595.00; and

WHEREAS, the contractor has provided a two year maintenance guarantee for the Project to Old Bridge Township; and

WHEREAS, in a letter dated September 10, 2020, the Township Engineer has indicated that the project was completed in accordance with the plans and specifications, and has recommended acceptance of the Project improvements and issuance of final payment in the amount of \$272,442.76 to Old Bridge Township; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to accepting the Project improvements and issuing a final payment to Old Bridge Township in the amount of \$272,442.76 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 final payment to Old Bridge Council be and is hereby approved, decreasing the original agreement total of \$319,595.00 to \$272,442.76, a net decrease of \$47,152.24.

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

- a. Old Bridge Township
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2020-247

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE  
SITE IMPROVEMENTS AT THE SITE KNOWN AS JPMORGAN CHASE,  
BLOCK 268, LOT 62, LOCATED AT 146 US HIGHWAY 9 "MARLBORO PLAZA",  
ENGLISHTOWN, NEW JERSEY 07726

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Pat Malmquist, JPMorgan Chase & Co. Account, for the release of the Township held Performance Guarantees in the form of a Performance Surety Bond and Cash Deposit for the site improvements ("Private Improvements") on the Site known as "JPMorgan Chase" (the "Site"), property known as Block 268, Lot 62, on the Official Tax Maps of the Township of Marlboro, Monmouth County,

State of New Jersey, posted by JPMorgan Chase Bank, N/A (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated August 5, 2020, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Performance Surety Bond, Bond No. 6585094, in the original amount of \$362,107.35 issued by Safeco Insurance Company of America, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Cash Deposit, Wachovia Bank, N.A. check no. 1004, in the original amount of \$40,234.15 (excludes accrued interest) posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

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 above-described Performance Surety Bond, Bond No. 6585094, in the original amount of \$362,107.35 issued by Safeco Insurance Company of America, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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 above-described Cash Deposit, Wachovia Bank, N.A. check no. 1004, in the original amount of \$40,234.15 (excludes accrued interest) posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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

- a. JPMorgan Chase & Co. Account
- b. Business Administrator
- c. Chief Financial Officer
- d. Engineer
- e. Louis Rainone, Esq., Township Attorney

RESOLUTION # 2020-248

RESOLUTION RESCINDING R.2020-181 AND AUTHORIZING THE AWARD OF STATE CONTRACTS #19-FLEET-00953 AND #17-FLEET-00739 FOR THE PURCHASE OF A REPLACEMENT POLICE VEHICLE AND EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro authorized a State Contract purchase of a 2020 Chevrolet Malibu from Mall Chevrolet Inc. on June 19, 2020 (R.2020-181); and

WHEREAS, subsequently, the 2021 model year vehicle was released and offered under State Contract #19-FLEET-00953 for a lower price; and

WHEREAS, Hertrich Fleet Services Inc. was awarded the State Contract #19-FLEET-00953 for the 2021 Chevrolet Malibu in the amount of \$17,310.95 (see attachment A); and

WHEREAS, the 2020 Capital program (106-2.81) authorized the purchase of replacement vehicle equipment for the Marlboro Township Division of Police; and

WHEREAS, Kaldor Emergency Lights, LLC was awarded the State Contract #19-FLEET-00739 for the equipment for the 2021 Chevrolet Malibu in the amount of \$2,661.94 (see attachment B); 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, the 2020 Capital program (106-2.21 and 106-2.31) authorized the purchase of replacement vehicle equipment for the Marlboro Township Division of Police; and

WHEREAS, the Police Division requires additional equipment not available on a State Contract to outfit two (2) Dodge Durangos acquired pursuant to R.2020-203; and

WHEREAS, Beyer Fleet Sales and Service submitted the lowest responsive quote for the equipment in the amount of \$4,034.00 (see attachment C); and

WHEREAS, the Chief of Police has reviewed the requests and has recommended that the Township purchase the 2021 model year replacement vehicle and equipment as follows:

Vehicle Description	State Contract #	Vendor	Cost	PO #	Dept.	Capital ID Year	Capital ID
1 Chevrolet Malibu Patrol Vehicles	19-Fleet-00953	Hertrich Fleet Services, Inc.	\$17,310.95	53505	Police Patrol	2020	106-2.8
Equipment for 1 Chevrolet Malibu Patrol Vehicles	19-Fleet-00739	Kaldor Emergency Lights, LLC	\$2,661.94	53951	Police Patrol	2020	106-2.81
Equipment for 2 Dodge Durango Patrol Vehicles		Beyer Fleet Sales & Service	\$4,034.00	53952	Police Patrol	2020	106-2.21 & 106-2.31

; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro to rescind R.2020-181 and purchase the model year 2021 replacement vehicle and equipment to be utilized by the Marlboro Township Division of Police utilizing State Contract and lowest responsive quote pricing; and

WHEREAS, the Chief Financial Officer has certified funds in an amount not to exceed \$19,972.89 from Capital Account #04-215-20-08A-106297 and an amount not to exceed \$4,034.00 from Capital Account #04-215-20-05D-106297.

WHEREAS, the Township Council desires to approve the purchase of the replacement vehicle and equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to rescind R.2020-181 in order to purchase the 2021 Chevrolet Malibu from Hertrich Fleet Services, Inc. under State Contract #19-FLEET-00953 in an amount not to exceed \$17,310.95.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicle equipment from Kaldor Emergency Lights, LLC under State Contract #19-FLEET-00739 in an amount not to exceed \$2,661.94.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase equipment for two (2) Dodge Durangos from Beyer Fleet Sales and Service based upon the lowest responsive quote received in an amount not to exceed \$4,034.00.

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

- a. Hertrich Fleet Services, Inc.
- b. Kaldor Emergency Lights, LLC
- c. Beyer Fleet Sales & Service
- d. Business Administrator
- e. Chief of Police
- f. Chief Financial Officer

RESOLUTION # 2020-249

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATIONS OF VARIOUS ITEMS FOR SENIOR CITIZEN GIFT BAGS FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT SENIOR CITIZEN PROGRAM

WHEREAS, various entities detailed on the attached schedule have made various donations to Marlboro Township for the Recreation Department Senior Citizen Program for Senior Citizen Gift Bags; and

WHEREAS, during the pandemic, Marlboro Recreation prepared and distributed gift bags for the senior citizens of Marlboro; and

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

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

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby extends its thanks and appreciation to the various donors for their support of Marlboro Township's Recreation Department Senior Citizen Program.

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

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

RESOLUTION # 2020-250

A RESOLUTION AUTHORIZING ACCEPTANCE  
OF DONATION FROM MARLBORO TOWNSHIP ALLIANCE  
FOR THE MARLBORO TOWNSHIP TRUST FUND FOR YOUTH RECREATION PROGRAMS

WHEREAS, Marlboro Township Alliance offered to donate \$7,500.00 to the Marlboro Township Trust Fund for the youth recreation programs in order to continue to improve the quality of life for the youth of Marlboro Township; and

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

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

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to Marlboro Township Alliance for its donation and support of the Marlboro Township Recreation Department's youth programming.

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

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Recreation

RESOLUTION # 2020-251

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO ALLIED  
CONSTRUCTION GROUP INC. FOR THE REPLACEMENT OF PRESSURE REDUCING  
VALVES FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2017 Capital Program (500-23) authorized the REPLACEMENT OF PRESSURE REDUCING VALVES FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the REPLACEMENT OF PRESSURE REDUCING VALVES FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION, and on August 18, 2020, received twelve (12) bids as follows:

#	Bidder	Bidder Address	Item 1	Item 2	Item 3	Item 4	Item 5	Item 6	Item 7	Item 8	Item 9	ITEMS 1-9
			Mobilization	PRV Replacement PRV 1 - Sandburg Drive	PRV Replacement PRV 2 - Serpentine Drive	PRV Replacement PRV 3 - Longfellow Terrace	PRV Replacement PRV 4 - Kilmer Drive	PRV Replacement PRV 5 - Union Hill Road	Aluminum Ladder Replacement:  (If and Where Authorized)	Allowance for Work Not Specified:  (If and Where Authorized)	Allowance for Traffic Director, Municipal Police:  (If and Where Authorized)	Total Prices of Bid
1	Allied Construction Group, Inc.	499 Washington Road Parlin, NJ 08859	\$5,000.00	\$27,000.00	\$28,000.00	\$30,000.00	\$35,700.00	\$31,000.00	\$5,000.00	\$20,000.00	\$10,000.00	\$191,700.00
2	Brayco Inc.	951 Rte 537 CreamRidge, NJ 08514	\$15,000.00	\$32,587.00	\$38,362.00	\$41,991.00	\$48,994.00	\$41,909.00	\$944.00	\$20,000.00	\$10,000.00	\$249,787.00
3	CFM Construction, Inc.	5 Bay Street Stirling, NJ 07980	\$13,000.00	\$36,900.00	\$34,800.00	\$39,200.00	\$46,100.00	\$41,200.00	\$6,500.00	\$20,000.00	\$10,000.00	\$247,700.00
4	Cypreco Industries Inc.	PO Box 822 1420 9th Avenue Neptune, NJ 07753	\$15,000.00	\$89,000.00	\$82,000.00	\$86,000.00	\$93,000.00	\$84,000.00	\$5,000.00	\$20,000.00	\$10,000.00	\$484,000.00
5	DeMaio Electrical Company	PO Box 5907 Hillsborough, NJ 08844	\$15,000.00	\$29,485.00	\$29,485.00	\$36,401.00	\$44,735.00	\$26,499.00	\$4,580.00	\$20,000.00	\$10,000.00	\$216,185.00
6	Hutton Construction LLC	41 Village Park Road Cedar Grove, NJ 07009	\$15,000.00	\$40,000.00	\$45,000.00	\$47,000.00	\$56,218.00	\$49,000.00	\$6,000.00	\$20,000.00	\$10,000.00	\$288,218.00
7	J.F. Kiely Construction Co.	1 Radar Way Tinton Falls, NJ 07724	\$15,000.00	\$28,590.00	\$28,270.00	\$37,650.00	\$45,830.00	\$35,855.00	\$4,475.00	\$20,000.00	\$10,000.00	\$225,670.00
8	* Montana Construction Corp. Inc.	80 Contant Avenue Lodi, NJ 07644	\$15,000.00	\$47,000.00	NO BID	\$56,000.00	\$66,000.00	\$57,000.00	\$18,000.00	\$20,000.00	\$10,000.00	\$289,000.00
9	Rapid Pump & Meter Service Co., Inc.	285 Straight Street Paterson, NJ 07501	\$15,000.00	\$33,500.00	\$36,000.00	\$33,000.00	\$38,000.00	\$37,000.00	\$7,375.00	\$20,000.00	\$10,000.00	\$229,875.00
10	Underground Utilities Corp	711 Commerce Road Linden, NJ 07036	\$13,000.00	\$27,009.00	\$28,027.50	\$30,308.00	\$34,391.00	\$30,858.00	\$21,000.00	\$20,000.00	\$10,000.00	\$214,593.50
11	William J. Guarini Inc.	132 Mallory Avenue Jersey City, NJ 07304	\$15,000.00	\$30,500.00	\$30,500.00	\$38,000.00	\$46,000.00	\$39,100.00	\$10,500.00	\$20,000.00	\$10,000.00	\$239,600.00
12	Earle Asphalt Company	PO Box 556 Farmingdale, NJ 07727	\$15,000.00	\$28,413.13	\$29,000.00	\$29,000.00	\$37,500.00	\$35,000.00	\$3,750.00	\$20,000.00	\$10,000.00	\$207,663.13

; and

WHEREAS, it has been determined that the submission of the lowest bidder for the bid Items 1 through 9 inclusive, Allied Construction Group Inc., is responsive as detailed in an August 20, 2020 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid 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 Allied Construction Group Inc., whose address is 499 Washington Road, Parlin, NJ 08859 in an amount not to exceed \$191,700.00 for the PRESSURING REDUCING VALVE.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Allied Construction Group Inc., in an amount not to exceed \$191,700.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$191,700.00 are available for the aforesaid contract in Water Capital Accounts 06-215-17-03B-500288.



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

- a. Allied Construction Group Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2020-252

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$7,560.79 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 \$7,560.79 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2019-014	155/20.08	Fig Cust FIGNJ19LLC PO BOX 54226 New Orleans, LA 70154 Assessed Owner: Pennymac Corp	1,122.01
2019-043	421.04/22	Fig N19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Avila, Fernando & Lisa	6,438.78

RESOLUTION #2020-253

WHEREAS, the attached list in the amount of \$13,474.12 known as Schedule "A", is comprised of amounts representing overpayments for 2020 taxes,

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

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>2020 REFUND</u>
214/33	Goldstein, Jerald & Brigitte Grabow 34 Boundary Road Marlboro, NJ 07746	4,248.92
300/46	Gurski, Edward & Linda 479 Tennent Road Morganville, NJ 07751	1,156.26
119.05/21	Blackstock, John & Grill, Jennifer 605 Robert Court Morganville, NJ 07751	1,501.82
153/6	Roman, Kenneth P Jr & Janine L 400 Route 79 Morganville, NJ 07751	3,218.33
268.06/11	Lestingi, John & Catherine 39 Alpine Drive Morganville, NJ 07751	2,478.75
193.13/51	Dietrich, William & Thelma 315 Highgate Court Marlboro, NJ 07746	870.04

RESOLUTION #2020-254

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

WHEREAS, pro-rated 2020 property taxes totaling \$15,780.43 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 \$15,780.43 for 2020 taxes.

SCHEDULE "A"

BLOCK/LOT	EFFECTIVE DATE	PROPERTY INFORMATION	AMOUNT
184.01/24	8/10/2020	Edell, Michael & Chrysanna 7 Garnet Street	\$5,362.16
273/21	8/3/2020	Cleary, Michael P & Nicole 5 Fletcher Drive	\$3,610.58
132/20.05	7/1/2020	Delpesh, Curtis 106 Haven Way	\$6,807.69
	50% exemption		
		TOTAL TO CANCEL:	\$15,780.43

At 7:20 p.m., Council Vice President Cantor that the meeting be adjourned. This was seconded by Council President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: OCTOBER 1, 2020

OFFERED BY: SCALEA	AYES: 4
SECONDED BY: METZGER	NAYS: 0

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
100120

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CAROL MAZZOLA,  
COUNCIL PRESIDENT