

MARLBORO TOWNSHIP COUNCIL MEETING

July 15, 2021

The Marlboro Township Council held its regularly scheduled meeting remotely on July 15, 2021 at 7:00 P.M.

Council President Cantor 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 July 12, 2021; published in the Asbury Park Press on January 16, 2021; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Municipal Clerk called the Roll.

PRESENT: Councilwoman Marder, Councilwoman Mazzola, Council Vice President Metzger, and Council President Cantor. Councilman Scalea was absent.

Also present: Mayor Jonathan L. Hornik, Louis Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Susan A. Branagan and Deputy Municipal Clerk Jennifer M. Johnson.

Council Vice President Metzger moved that the Council meeting minutes of June 17, 2021 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

The following Resolution #2021-224/Ordinance #2021-015 (Authorizing the Sale of Property for Farmland Use Only in the Township of Marlboro Designated as Block 155, Lot 13.03, Pleasant Valley Road, Subject to the Restrictions Placed on the Property Pursuant to the Deed of Easement Filed with the County of Monmouth on November 24, 2010) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Metzger. Council President Cantor opened the Public Hearing on Ordinance #2021-015. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-224

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

ORDINANCE #2021-015

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY FOR FARMLAND USE ONLY IN THE TOWNSHIP OF MARLBORO DESIGNATED AS BLOCK 155, LOT 13.03, PLEASANT VALLEY ROAD, AS SHOWN ON THE TOWNSHIP TAX MAP, SUBJECT TO THE RESTRICTIONS PLACED ON THE PROPERTY PURSUANT TO THE DEED OF EASEMENT FILED WITH THE COUNTY OF MONMOUTH ON NOVEMBER 24, 2010

which was introduced on June 17, 2021 at a public hearing remotely held on 15th July, 2021, be adopted on second and final reading this 15th day of July, 2021.

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

The following Resolution #2021-225/Ordinance #2021-016 (An Ordinance Prohibiting the Operation of any Class of Cannabis Licensed Business within the Township of Marlboro) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2021-016.

Dr. Alan Ao of 27 Whitter Drive in Marlboro, founder and president of PharmD, asked the Council to reconsider and allow for cannabis businesses in the Township.

As there was no one else who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-225

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

ORDINANCE #2021-016

AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS LICENSED BUSINESSES WITHIN THE TOWNSHIP OF MARLBORO

which was introduced on June 17, 2021 at a public hearing remotely held on 15th July, 2021, be adopted on second and final reading this 15th day of July, 2021.

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

The following Resolution #2021-226/Ordinance #2021-017 (Amending Chapter 220, "Land Use Development", by Amending Article VIII, "Subdivisions: Design and Performance Standards", Subsections 220-147 Through 220-158 Entitled "Scope and Purpose of Stormwater Management Requirements" of the Revised Code of the Township of Marlboro) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2021-017. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-226

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

ORDINANCE #2021-017

AN ORDINANCE AMENDING CHAPTER 220, "LAND USE DEVELOPMENT",
BY AMENDING ARTICLE VIII, "SUBDIVISION: DESIGNS AND
PERFORMANCE STANDARDS",
SUBSECTIONS 220-147 through 220-158 ENTITLED "SCOPE AND
PURPOSE OF STORWATER MANAGEMENT REQUIREMENTS" OF THE
REVISED CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on June 17, 2021 at a public hearing remotely held on 15th July, 2021, be adopted on second and final reading this 15th day of July, 2021.

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

The following Resolution #2021-227/Ordinance #2021-013 (Amending Section 138-45 "Schedule VIII: Stop Intersections" for the Installation of Four Way Stops at the Intersections of Texas Road and Greenwood Road and Texas Road and Falson Lane/Wooleytown Road) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-227

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

ORDINANCE #2021-013

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 45, SCHEDULE VIII - "STOP INTERSECTIONS" OF ARTICLE XIV ENTITLED "SCHEDULES" OF CHAPTER 138 "VEHICLES AND TRAFFIC", OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY

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 August 19, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-013

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 45, SCHEDULE VIII - "STOP INTERSECTIONS" OF ARTICLE XIV ENTITLED "SCHEDULES" OF CHAPTER 138 "VEHICLES AND TRAFFIC", OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY

BE IT RESOLVED, that Section 138-45 Schedule VIII entitled "Stop Intersections" shall be amended as follows:

Stop Sign On	Intersection
Texas Road	Greenwood Road and Texas Road
Greenwood Road	Greenwood Road and Texas Road
Texas Road	Texas Road and Falson Lane/Wooleytown Road
Falson Lane	Texas Road and Falson Lane
Wooleytown Road	Texas Road and Wooleytown Road

BE IT FURTHER RESOLVED, that following introduction and prior to being scheduled for a public hearing this ordinance shall be forwarded to the Police Division of Traffic and Safety for the required traffic review and study.

The following Resolution #2021-228/Ordinance #2021-018 (Bond Ordinance Providing for Streambank Stabilization Projects in and by the Township of Marlboro, in the County Of Monmouth, New Jersey, Appropriating \$955,000 therefor and Authorizing The Issuance of \$907,250 Bonds or Notes of the Township to Finance Part of the Cost

thereof.) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0 in favor. Council President Cantor abstained and Councilman Scalea was absent.

RESOLUTION #2021-228

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

ORDINANCE #2021-018

BOND ORDINANCE PROVIDING FOR STREAMBANK STABILIZATION PROJECTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$955,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$907,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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 August 19, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-018

BOND ORDINANCE PROVIDING FOR STREAMBANK STABILIZATION PROJECTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$955,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$907,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) 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(a), there is hereby appropriated the sum of \$955,000, including the sum of \$47,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue

of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$907,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 the financing of which the bonds are to be issued is Streambank Stabilization Projects, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation 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 no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted 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 15 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 \$907,250, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$255,000 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 purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) 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 but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Cantor announced that this a Public Hearing on Marlboro Township's grant application for FY2022 Community Development Block Grant Funding for Greenbriar Roadway Improvements. As there was no one who registered to speak, the Public Hearing was closed.

The following Resolution #2021-229 (Authorizing Acceptance of 2020 Audit) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-229

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

WHEREAS, the annual report of audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

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

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

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

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

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

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

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

imprisoned for not more than one year, or both, in addition shall forfeit his office.

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

The following Resolution #2021-230 (Person to Person and Place to Place Transfer - Plenary Retail Consumption License - Wickatunk Holdings, LLC to JSF Group, LLC t/a Il Nido Restaurant) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor. Councilwoman Mazzola abstained and Councilman Scalea was absent.

RESOLUTION #2021-230

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1328-33-010-004 WICKATUNK HOLDINGS, LLC TO JSF GROUP, LLC T/A IL NIDO RESTAURANT

WHEREAS, application was made to the Township of Marlboro ("Township") by JSF Group, LLC t/a Il Nido Restaurant for a person-to-person and place-to-place transfer of Plenary Retail Consumption License Number 1328-33-010-004 ("License") presently held by Wickatunk Holdings, LLC sited at 158 Route 79 North, Marlboro, New Jersey 07746 (the "Premises"); and

WHEREAS, the Applicant has disclosed, and the appropriate Township officials have reviewed, the source of all funds used in connection with the purchase of said license, which information is contained in the report of the Police Department concerning this transfer application; and

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The Applicant has disclosed and the Township has reviewed the source of all funds used in the purchase

of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the transfer of the aforesaid plenary retail consumption license.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by JSF Group, LLC t/a Il Nido Restaurant for a person to person and place to place transfer of Plenary Retail Consumption License Number 1328-33-010-004 presently held by Wickatunk Holdings, LLC is hereby approved. The effective date of this approval shall be July 15, 2021.

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

- a. JSF Group, LLC t/a Il Nido, 5 Kings Court, Marlboro, New Jersey, 07746
- b. Wickatunk Holdings, LLC, 158 Route 79 North, Marlboro, New Jersey 07746
- c. Township Administrator
- d. Township Building Department
- e. Township Attorney
- f. Chief of Police

The following Resolution #2021-231 (Amending 2021 Council Meeting Schedule and Change of Council Meeting Locations) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-231

AMENDING 2021 COUNCIL MEETING SCHEDULE

BE IT RESOLVED, by the Township Council of the Township of Marlboro have amended the 2021 council meeting schedule. All meetings shall be held at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that the regularly scheduled Council meeting location for the following council meeting date will be changed:

October 7, 2021 - Greenbriar at Marlboro Clubhouse
21 Clubhouse Lane, Marlboro, NJ

NOW, THEREFORE, BE AND IT IS FURTHER RESOLVED, that notice of these meeting dates, shall be emailed to the Asbury Park Press, the Star Ledger, News Transcript and published in accordance with the requirements of the Open Public Meetings Act and N.J.S.A. 10:4-18 and posted on the Township's website at <https://www.marlboro-nj.gov/township-council-agendas-and-minutes>.

August 19, 2021

September 9, 2021

October 7, 2021 (Greenbriar at Marlboro Clubhouse)

October 21, 2021

November 18, 2021

December 16, 2021

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

RESOLUTION #2021-232

AUTHORIZING THE EXTENSION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT FOR THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "STATTEL FARM (STAND)" (BLOCK 206/LOT 25) LOCATED AT COUNTY ROUTE 520 and STATE HIGHWAY 79

WHEREAS, the Township of Marlboro acquired the Stattel Farm(stand) (Block 206/Lot 25) ("parcel") located at County Route 520 and State Highway 79 in February, 2017 from the Stattel Family; and

WHEREAS, the Stattel Family farmed the parcel continuously up until the time of sale, and harvested the season's crops under a Use & Occupancy Agreement with the Township which expired on June 30, 2017; and

WHEREAS, October 5, 2017 (R.2017-287) the Township Council of the Township of Marlboro authorized a Use and Occupancy agreement with the Stattel Family for the continued farming of the parcel which expired on July 31, 2018; and

WHEREAS, June 12, 2018 (R.2018-228) the Township Council of the Township of Marlboro authorized a renewal of the Use and Occupancy agreement with the Stattel Family for the continued farming of the parcel which expires on July 31, 2019; and

WHEREAS, July 11, 2019 (R.2019-219) the Township Council of the Township of Marlboro authorized a renewal of the Use and Occupancy agreement with the Stattel Family for the continued farming of the parcel which expires on July 31, 2020; and

WHEREAS, July 16, 2020 (R.2020-194) the Township Council of the Township of Marlboro authorized a renewal of the Use and Occupancy agreement with the Stattel Family for the continued farming of the parcel which expires on July 31, 2021; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14.1, "Whenever a county or municipality acquires real property that, immediately prior to acquisition, was leased from the prior owner by a private person for agricultural or horticultural use, and the county or municipality determines that, until such time as the real property is needed for public use, the temporary continuance of the private agricultural or horticultural use would not compromise that public use, it may lease the real property to the prior lessee for agricultural or horticultural use for such period, consideration, and other terms and conditions as shall be mutually agreed upon; and

WHEREAS, the Township has, through the State Agricultural Development Committee, secured the permanent preservation of the parcel; and

WHEREAS, it is in the interest of the Township for crops to be planted during the fall season and to have the parcel continuously farmed at this time; and

WHEREAS, the Township and Stattel Family have agreed to renew the Use and Occupancy agreement under the same terms for the farming of the parcel in the 2021-2022 season.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an agreement be executed with Stattel Family, PO BOX 122, Marlboro, NJ 07746 for the TEMPORARY USE AND OCCUPANCY OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "STATTEL FARM(STAND)" (BLOCK 206/LOT 25) LOCATED AT COUNTY ROUTE 520 AND STATE HIGHWAY 79, for a term beginning August 1, 2021 and ending on July 31, 2022, in the amount of \$700.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, an agreement with the

Stattel Family, in accordance with this resolution, and in a form to be approved by the Township Attorney.

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

- a. Stattel Family, c/o William Stattel
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works
- e. Township Attorney

RESOLUTION #2021-233

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO DANO ENTERPRISES, INC. FOR THE PURCHASE OF LEAF BAGS FOR THE TOWNSHIP OF MARLBORO YARD WASTE REMOVAL AND CLEAN STREETS PROGRAM THROUGH THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro requires leaf bags for distribution to residents in order to facilitate the removal and disposal of yard waste and to promote clean and safe streets within the Township; and

WHEREAS, in order to secure the most advantageous pricing, the Township of Marlboro entered into a shared services agreement with the Township of Edison, with Edison serving as a lead agency, to conduct a public bid process in accordance with the Local Public Contracts Law (R.2021-143); and

WHEREAS, on June 16, 2021, the Township of Edison received three (3) bids, summarized as follows:

VENDOR			Dano Enterprises, Inc.		Pabco Industries, LLC		Continental Hardware Inc.	
			4 Omega Dr		166 Frelinghuysen Ave		400 Delancy St	
			Stamford, CT 06907		Newark, NJ 07114		Newark, NJ 07105	
			(203) 357-0070		(973) 242-2200		(973) 589-3929	
ITEM	# BAGS	DESCRIPTION	PRICE PER BAG	TOTAL	PRICE PER BAG	TOTAL	PRICE PER BAG	TOTAL
1	280,000	Furnish and deliver unprinted biodegradable, recyclable leaf bags in accordance with the detailed specifications or Township approved equivalent	\$0.448	\$125,440.00	\$0.464	\$129,920.00	\$0.59	\$165,200.00

1	100,000	MARLBORO TOWNSHIP - ALTERNATIVE PRICING: Furnish and deliver printed biodegradable, recyclable leaf bags in accordance with the detailed specifications or Township approved equivalent	\$0.465	\$46,500.00	NO BID	NO BID	\$0.61	\$61,000.00
EXCEPTIONS			NO		YES		BID STATES YES BUT NONE NOTED	

WHEREAS, the Qualified Purchasing Agent (QPA) for the Township of Edison has reviewed the bids and has recommended in a memo dated June 22, 2021 that the Contract for the Services be awarded to the lowest responsible bidder, Dano Enterprises, Inc.; and

WHEREAS, the Township of Marlboro Business Administrator and Qualified Purchasing Agent has reviewed the bids received and the recommendation by the Township of Edison, and is recommending the award of contract, Alternative 1, to Dano Enterprises, Inc. 4 Omega Drive, Stamford, CT 06907, for the total bid price not to exceed \$46,500.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods with the same terms and conditions as specified in the bid; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Clean Communities Grant Account No. 02-213-20-703-123000.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for the purchase of leaf bags be and is hereby awarded to Dano Enterprises, Inc. 4 Omega Drive, Stamford, CT 06907 for a contract amount not to exceed \$46,500.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

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

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

RESOLUTION #2021-234

RESOLUTION OF THE TOWNSHIP OF MARLBORO PRE-QUALIFYING
PROVIDERS OF PROFESSIONAL ARCHITECTURAL SERVICES FOR
EXECUTION OF THE TOWNSHIP OF MARLBORO CAPITAL IMPROVEMENT
PROGRAM PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE
WITH N.J.S.A. 19:44A-20.5 et seq.

WHEREAS, the Township of Marlboro desires to create a pool of qualified professionals to perform professional architectural services ("Services") for the Township as the need arises, using a fair and open process pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

WHEREAS, the Township of Marlboro (the "Township") received and reviewed statements of qualifications from architectural services firms and determined to pre-qualify those firms that possess the professional and administrative capabilities to provide such services and that they offer the terms and conditions determined by the Township to provide the greatest benefit to the taxpayers of the Township (the "Qualified Firms"), so that the Township may engage any one or more of the Qualified Firms when the need for such Services arises; and

WHEREAS, it has been determined that the value of the contracts may exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro (the "Township") hereby approves the following Qualified Firms:

Robbie Conley
596 Glassboro Road
Woodbury Heights, NJ 08097

Netta Architects
1084 Route 22 West
Mountainside, NJ 07092

FKA Architects
306 Ramapo Valley Road
Oakland, NJ 07436

FVHD Architects
1515 Lower Ferry Road

Trenton, NJ 08618

Regan Young England Butera
456 High Street
Mount Holly, NJ 08060

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

(1) The Mayor and Municipal Clerk are hereby authorized and directed to execute contracts ("Contracts") by and between the Township and the Qualified Firms, which Contracts shall set forth the terms and conditions of, among other things, payment for Services at such time as the Firms are called upon by the Township to render services; and

(2) That a copy of this resolution and the contracts upon execution shall be placed on file with the Municipal Clerk; and

(3) That a notice in accordance with Local Public Contracts Law shall be published in a local newspaper within ten (10) days of passage of this resolution.

RESOLUTION # 2021-235

A RESOLUTION AUTHORIZING FINAL CHANGE ORDER TO THE CONTRACT WITH HERC RENTALS, INC. FOR THE PROVISION OF DUMP TRUCK WITH SNOW REMOVAL EQUIPMENT RENTAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on August 13, 2020 (R. 2020-227) the Township of Marlboro awarded a contract to HERC RENTALS, INC., the sole bidder for THE PROVISION OF DUMP TRUCK WITH SNOW REMOVAL EQUIPMENT RENTAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (2020-06); and

WHEREAS, on March 18, 2021 (R. 2021-142) the Township of Marlboro authorized a change order to the contract with HERC RENTALS, INC. in the amount of \$840.00; and

WHEREAS, the Department of Public Works required additional units in order to remain prepared and respond to the winter events of 2021; and

WHEREAS, the Department of Public Works has requested and recommended an additional change order in the amount of \$10,280.00; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$10,280.00 from Current Fund Account #11-228-55-020; and

WHEREAS, remaining prepared and responding efficiently and expeditiously to winter weather events is an important Township priority, and 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 a change order to the contract with HERC RENTALS, INC. be approved in the amount of \$10,280.00.

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

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

RESOLUTION #2021-236

A RESOLUTION AWARDING CONTRACT TO MAZZA RECYCLING SERVICES LTD. FOR DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS (DPW) RECYCLING BUREAU

WHEREAS, the Marlboro Township Department of Public Works maintains a Recycling Center where "bulky waste" can be deposited by residents; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) defines "Type 13 - Bulky waste" as including "Large items of waste material, such as appliances and furniture"; and

WHEREAS, maintaining the bulky waste facility at the Township Recycling Center requires that the Township contract for the disposal of Type 13 - Bulky Waste; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for DISPOSAL OF TYPE 13 BULKY WASTE, and on June 30, 2021, received three (3) bids, as follows:

Item Description	Republic Services of NJ LLC 1861 Wayside Road Tinton Falls, NJ 07724	Freehold Cartage, Inc. 825 Highway 33 P.O. Box 5010 Freehold, NJ 07728	Mazza Recycling Services LTD. 3230A Shafto Road Tinton Falls, NJ 07753
Type 13 Bulky Waste Price per Ton to include \$3.00 per ton mandated disposal tax	102.00	91.00	85.50
Price for Estimated 700 Tons Including \$3.00 tax per ton	71,000.00*	63,700.00	59,850.00

* Error in math of bid submission

; and

WHEREAS, the bid submission of the apparent low bidder, MAZZA RECYCLING SERVICES LTD. has been determined to be responsive as detailed in a June 30, 2021 memo transmitted by the Director of Public Works; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to MAZZA RECYCLING SERVICES LTD. whose address is 3230A Shafto Road, Tinton Falls, NJ 07753 in an amount not to exceed \$59,850.00 for DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS for the period September 1, 2021 - August 31, 2022, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$19,950.00 are available in Current Account 01-201-32-170-233112.

BE IT FURTHER RESOLVED, funds in the amount of \$39,900.00 will be made available and certified in 2022 upon adoption of the budget.

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

- a. MAZZA RECYCLING SERVICES LTD.
- b. Township Administration
- c. Township Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2021-237

AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
FOR GREENBRIAR ROADWAY IMPROVEMENTS - PHASE II

WHEREAS, the US Department of Housing and Urban Development is sponsoring the FY2022 Community Development Block Grant (CDBG) program which will provide funding through a consortium of Monmouth County municipalities of which Marlboro is a member; and

WHEREAS, the Township has been advised that it is eligible to apply for funding for Greenbriar Roadway Improvements - Phase II; and

WHEREAS, the Department of Public Works has identified several roadway and drainage improvements that are required within the Greenbrier Development which may be eligible for funding; and

WHEREAS, the Township of Marlboro is interested in seeking out alternative sources of funding for public improvements; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro wish to apply for funding under the FY2022 CDBG Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a grant application for FY2022 CDBG funding for Greenbriar Roadway Improvements - Phase II.

RESOLUTION #2021-238

AUTHORIZING THE ADOPTION AND EXECUTION OF THE SETTLEMENT
AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MARLBORO AND
ENCLAVE AT CANNON HILL, LLC

WHEREAS, the Developer, Enclave at Cannon Hill, LLC (the "Developer") has provided a Cash Bond for site improvements to the real property known on the Township of Marlboro Tax Map as Block 157, Lots 3.26 & 3.27 (the "Property"); and,

WHEREAS, the Developer has also provided a cash bond for water improvements to the Property; and

WHEREAS, the Township of Marlboro (the "Township") is currently holding said cash bonds in connection with the Enclave at Cannon Hill Development; and

WHEREAS, the Township and Developer have sought to enter into a Settlement Agreement outlining the release of said Cash Bonds; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute all documents necessary for the release of the Cash Bonds, including but not limited to the Settlement Agreement attached hereto as Attachment A.
2. The aforesaid Performance and water Cash Bonds, shall be and are hereby released in accordance with the terms of the Settlement Agreement attached hereto as Attachment A.
3. This Resolution shall take effect immediately and shall be published in the manner provided by law.

RESOLUTION #2021-239

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro that Jonathan Capp, Business Administrator shall and

hereby is authorized to execute an agreement with RealAuction.com LLC to conduct an electronic tax sale.

RESOLUTION #2021-240

RESOLUTION AUTHORIZING THE ACCEPTANCE OF SFY21 BODY-WORN CAMERA GRANT FROM THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL

WHEREAS, the Township Council of the Township of Marlboro approved R. 2021-171 authorizing an application to the STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL for funding under the SFY21 BODY WORN CAMERA PROGRAM ("PROGRAM"), and the execution of any and all agreements to secure funding under the PROGRAM; and

WHEREAS, on June 30, 2021, the Township was notified that it had been awarded a \$205,838.00 State grant with a local match of \$0 under the PROGRAM, identified as Award Number 21-BWC-256, with an Award Period of January 1, 2021 - December 31, 2025; and

WHEREAS, Mayor Jonathan L. Hornik has recommended the acceptance of the grant in order to further the objective of maintaining Marlboro's status as one of the safest communities in the State of New Jersey.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Council hereby concurs with the recommendation of Mayor Hornik in acceptance of a Grant Award of the \$205,838.00 State grant with a local match of \$0 (Award Number 21-BWC-256, Award Period of January 1, 2021 - December 31, 2025) under the SFY21 BODY WORN CAMERA PROGRAM.

BE IT FURTHER RESOLVED, that the Township Council accepts the funding award for the purpose as described in the grant application.

RESOLUTION #2021-241

AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR THE OFFICE OF JUSTICE PROGRAMS BULLETPROOF VEST PARTNERSHIP GRANT ACT, U.S. DEPARTMENT OF JUSTICE (BVP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2021 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and

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

WHEREAS, \$21,694.58 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests due for officers during years August 2021 to August 2022; and

WHEREAS, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2021 Bulletproof Vest Partnership.

RESOLUTION #2021-242

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE DONATION OF DRAWSTRING BAGS FROM CENTER COURT MARLBORO CLUB & SPORTS FOR THE MARLBORO RECREATION SUMMER CAMP PROGRAM

WHEREAS, the Marlboro Recreation Department runs youth summer camp programs; and

WHEREAS, Center Court Marlboro Club & Sports, of 185 Amboy Road in Morganville has offered to donate a 400 drawstring bags for Marlboro Recreation's youth summer camp programs; and

WHEREAS, the main logo on the bags will be Marlboro Township Recreation with a logo on the bottom for Center Court Marlboro Club & Sports; and

WHEREAS, the bags donated by Center Court Marlboro Club & Sports will be distributed to the campers of the Summer Day Camp; and

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

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

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

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

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

RESOLUTION #2021-243

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$15,514.14 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 \$15,514.14 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>
2019-035	339/38	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Schwartz, Harold J, Executor	4,166.01
2019-030	288/29/C0455	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Lagji, Jonida & Admir	2,321.07
2020-036	251/38	Eone Group LLC 150 Airport Rd, Suite 1200 Lakewood, NJ 08701 Assessed Owner: Elrais, Ahmed & Amany Elmetwally	3,232.00
2020-038	262/14	Eone Group LLC 150 Airport Rd, Suite 1200 Lakewood, NJ 08701 Assessed Owner:	2,976.57

Goldfarb, Guy & Jill

2020-018 176/7/C0536 Tax Lien Fund L.P. 2,818.49
PO Box 132
San Francisco, CA 94104
Assessed Owner:
Killian, Donna M.

RESOLUTION #2021-244

TAX PAYMENT TO WMUA

WHEREAS, delinquent sewer charges totaling \$1,285.91 were paid to the Township on behalf of Western Monmouth Utilities Authority in conjunction with a lien redemption as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$1,285.91 be refunded to Western Monmouth Utilities Authority.

Schedule A

BLOCK	LOT	QUALIFIER	PROPERTY LOCATION	AMOUNT
251	38		99 Gordons Corner Road	\$ 250.51
262	14		3 Bruce Road	\$ 246.94
176	7	C0536	536 Tivoli Court	\$ 788.46
Total Refunded to WMUA				\$1,285.91

RESOLUTION #2021-245

RESOLUTION CONFIRMING SALE OF SOLAR RENEWABLE ENERGY CREDITS (SRECS) THROUGH INTERNET-BASED AUCTIONS

WHEREAS, on May 21, 2020 (R. 2020-152) the Township Council authorized the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provision of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30) and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform of S-RECS to be generated between June 1, 2022 and May 31, 2023, provided the bid accepted offers a per S-REC price equal to or higher than \$215.00; and

WHEREAS, the Township Council authorized an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as the on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's sale of SRECS at a fee of \$3.00 per SREC; and

WHEREAS, pursuant to R. 2020-152, the Township accepted the offer of \$215.00 per SREC for 900 SRECs to be generated between June 1, 2021 and May 31, 2022 (EY 2023) by 3Degrees Group Inc., 235 Montgomery Street, Suite 320, San Francisco, CA 94104.

NOW THEREFORE BE IT RESOLVED, that the Township Council hereby confirm the acceptance of the offer by 3Degrees Group Inc., 235 Montgomery Street, Suite 320, San Francisco, CA 94104 to purchase 900 SRECs to be generated between June 1, 2022 and May 31, 2023 (EY 2023) at a price of \$215.00 per SREC.

BE IT FURTHER RESOLVED, that the Mayor, Business Administrator and Municipal Clerk are hereby authorized to execute the necessary documents in a form approved by the Township Attorney to effectuate the transaction.

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

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

RESOLUTION #2021-246

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO J. F. KIELY CONSTRUCTION CO. FOR 2021 GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2021 Capital Program (500-2) authorized the 2021 GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2021 GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on July 9, 2021, received one (1) proposal as follows,

	J.F. Kiely Construction Co. 1 Radar Way Tinton Falls, NJ 07724	
Item Description	Bid Price	
1. Adams St., Barclay St., & Johnson Cir.	Unit Price	Total
A. 12 EA. - 6" Gate Valve	\$3,560.00	\$42,720.00
B. Excavation Allowance	-	\$4,000.00
C. Traffic Allowance	-	\$2,000.00
	Total	\$48,720.00

Item Description		Bid Price	
2 Eagles Nest - Condor Dr., Goshawk Ct., & Peregrine Dr.		Unit Price	Total
A. 7 EA. - 6" Gate Valve		\$3,635.00	\$25,445.00
B. 3 EA. - 8" Gate Valve		\$3,970.00	\$11,910.00
C. 8 EA. - 12" Gate Valve		\$4,165.00	\$33,320.00
D. Excavation Allowance		-	\$6,000.00
E. Traffic Allowance		-	\$5,000.00
		Total	\$81,675.00
Item Description		Bid Price	
3. Emerald Dr. & Garnet St.		Unit Price	Total
A. 5 EA. - 6" Gate Valve		\$3,630.00	\$18,150.00
B. 5 EA. - 8" Gate Valve		\$3,965.00	\$19,825.00
C. Excavation Allowance		-	\$4,000.00
D. Traffic Allowance		-	\$2,000.00
		Total	\$43,975.00
Item Description		Bid Price	
4. Evan St., Eric Ct. & Nikki Ct.		Unit Price	Total
A. 9 EA. - 6" Gate Valve		\$3,600.00	\$32,400.00
B. 8 EA. - 8" Gate Valve		\$3,935.00	\$31,480.00
C. Excavation Allowance		-	\$5,000.00
D. Traffic Allowance		-	\$2,000.00
		Total	\$70,880.00
Item Description		Bid Price	
5. Harbor Rd		Unit Price	Total
A. 12 EA. - 6" Gate Valve		\$3,636.00	\$43,632.00
B. 1 EA. - 8" Gate Valve		\$3,970.00	\$3,970.00
C. 6 EA. - 12" Gate Valve		\$4,165.00	\$24,990.00
D. Excavation Allowance		-	\$6,000.00
E. Traffic Allowance		-	\$20,000.00
		Total	\$98,592.00
Item Description		Bid Price	
6. Station Rd.		Unit Price	Total
A. 5 EA. - 6" Gate Valve		\$3,560.00	\$17,800.00
B. 4 EA. - 8" Gate Valve		\$3,895.00	\$15,580.00
C. 6 EA. - 12" Gate Valve		\$4,090.00	\$24,540.00
D. Excavation Allowance		-	\$5,000.00
E. Traffic Allowance		-	\$15,000.00
		Total	\$77,920.00
Item Description		Bid Price	

7. Thomas Ln. & Wicker Pl		Unit Price	Total
A. 7 EA. - 6" Gate Valve		\$3,560.00	\$24,920.00
B. Excavation Allowance		-	\$5,000.00
C. Traffic Allowance		-	\$3,000.00
	Total		\$32,920.00
Item Description		Bid Price	
8. Wyncrest Rd		Unit Price	Total
A. 3 EA. - 6" Gate Valve		\$3,671.00	\$11,013.00
B. 7 EA. - 8" Gate Valve		\$3,996.00	\$27,972.00
C. 14 EA. - 12" Gate Valve		\$4,200.00	\$58,800.00
D. Excavation Allowance		-	\$8,000.00
E. Traffic Allowance		-	\$25,000.00
	Total		\$130,785.00
Total of Items 1 through 8			\$585,467.00

; and

WHEREAS, in a memo dated July 9, 2021, the Director of Public Works has reported that J. F. KIELY CONSTRUCTION CO., the sole bidder, is responsive and has recommended that a contract for items 1 through 7 and a partial award of item 8 based upon available funding for the 2021 GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM, for an amount not to exceed \$498,139.32 be awarded to J. F. KIELY CONSTRUCTION CO., 1 Radar Way, Tinton Falls, NJ 07724; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to J. F. KIELY CONSTRUCTION CO., whose address is 1 Radar Way, Tinton Falls, NJ 07724 in an amount not to exceed \$498,139.32 for the 2021 GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$498,139.32 are available for the aforesaid contract in Water Capital Accounts 06-215-20-06B-500288, and 06-215-21-05B-500288.

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

- a. J. F. KIELY CONSTRUCTION CO.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

At 7:54 p.m., Council Vice President Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: August 19, 2021

OFFERED BY: MARDER

AYES: 4

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: SCALEA

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
081921

JEFF CANTOR,
COUNCIL PRESIDENT