

MARLBORO TOWNSHIP COUNCIL MEETING

January 25, 2024

The Marlboro Township Council held its regularly scheduled meeting on January 25, 2024 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President DiNuzzo opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on January 23, 2024; published in the Asbury Park Press on December 26, 2023; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the Township website and Channel 77.

The Municipal Clerk called the Roll.

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

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

Mayoral Proclamation Mayor Hornik recognized Councilwoman Marder's many years of public service on council, committees and community programs.

Citizen's Voice:

Frank Festa of 1727 Ramapo Way, Scotch Plains, wished the council a happy new year.

Sana Shikh of 138 Briarcliff Drive, Morganville thanked the mayor and council for honoring Muslim Heritage month.

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

Lisa Pereira of 53 Dowing Lane, Jackson had questions regarding the state's pension process.

Council Speaks Out: Councilman Scalea thanked Councilwoman Marder for the work that she has done for Marlboro. Councilman Qazi provided updates from the police and public works departments. He thanked the mayor and council for recognizing Muslim Heritage Month. Council President DiNuzzo reminded the council about the importance of attending their assigned committees as liaisons.

Administrative Report: Mayor Hornik issued a proclamation celebrating Muslim Heritage Month. He announced upcoming community and recreation events

He offered our thoughts and prayers for the passing of Geri Peterson, wife of retired Public Works Road Supervisor Danny Peterson and mother of Marlboro Police Officer Brian Peterson and DPW employee Kristin Lee.

Council Vice President Milman moved that the Council meeting minutes of December 21, 2023 be approved. This was seconded by Councilman Qazi, and passed on a roll call vote of 4 - 0 in favor (Councilwoman Viridi abstained).

Council Vice President Milman moved that the reorganization meeting minutes of January 4, 2024 be approved. This was seconded by Councilman Qazi, and passed on a roll call vote of 4 - 0 in favor (Councilwoman Viridi abstained).

The following Ordinance #2024-001 (ORDINANCE FIXING THE SALARIES OF VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO FOR 2024) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2024-001

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2024

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. The salaries of the hereinafter designated Township officers and employees in accordance with Schedule "A" are attached hereto.

SECTION 2. All salary ordinances heretofore adopted are hereby repealed, and all other parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall take effect upon passage and publication as required by law.

SCHEDULE A

Mayor	4,800
Councilperson	3,600
Business Administrator	85,000.00 - 176,000.00
Municipal Clerk	65,000.00 - 136,000.00
Deputy Municipal Clerk	45,000.00 - 87,000.00
Chief Financial Officer	78,000.00 - 147,000.00
Finance Director	2,500.00 - 17,000.00
Tax Collector	65,000.00 - 110,000.00
Tax Assessor	65,000.00 - 110,000.00
Municipal Presiding Judge	27,000.00 - 61,000.00
Municipal Judge	20,000.00 - 38,000.00
Township Engineer	90,000.00 - 144,000.00
Superintendent of Public Works	99,900.00 - 176,000.00
Recreation Director	70,000.00 - 116,000.00
Chief of Police	107,000.00 - 283,000.00
Director of Law	100,000.00 - 158,000.00
Director of Community Development	75,000.00 - 173,000.00

The following Ordinance #2024-002 (ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2024-002

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO PROPERTY MAINTENANCE; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM CONNECTION FEES; SPECIAL-DUTY ASSIGNMENTS FOR POLICE OFFICERS, PRECIOUS METALS AND SECONDHAND BUYERS AND RECREATION & SWIM PROGRAMS

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 278, "Property Maintenance Code", Section 278-2 "Certificate of continued occupancy" is hereby supplemented as follows to provide

for visual lead inspections for certain rental units pursuant to N.J.A.C. 5:28A-1.2:

F. Lead inspection required.

(1) As required by 5:28A-1.2 owners/landlords of rental properties/units constructed prior to 1978 are required to provide a "Lead Safe Certificate" prior to the issuance of a certificate of occupancy.

(a) Every single family, two family and multi-family rental dwelling constructed prior to 1978 must be inspected for lead within the dwelling by July 22, 2024;

(b) After the initial inspection all rental properties constructed prior to 1978 shall be inspected for lead every three (3) years or upon subsequent rental turnover, whichever is earlier;

(2) Every single family, two family and multi-family rental dwelling constructed prior to 1978 shall be inspected for lead by the Township's certified lead evaluation contractor, or a DCA-certified lead evaluation contractor;

(a) The certified lead evaluation contractor shall examine rental dwellings for deteriorated paint, visible surface dust, debris or residue;

(b) Should there be evidence of deteriorated paint, visible surface dust, debris or residue a full inspection and testing shall be conducted. Results of inspection and testing shall be submitted to Marlboro Township;

(3) Marlboro Township monitoring and recordkeeping:

(a) Marlboro Township shall maintain records of tenant turnovers, inspection schedules and inspection results;

(b) Marlboro Township shall maintain copies of all lead safe certificates issued by certified lead evaluation contractors for all rental properties constructed prior to 1978 within Marlboro Township;

(4) Enforcement and Violations:

(a) Marlboro Township shall have authority to enforce owner/landlord compliance with these standards;

(b) Any violation of the standards as provided in 5:28A-1.2 and Township code shall be remediated within 30 days of notice of violation;

(c) A dwelling will not be considered remediated until a lead safe certificate has been provided by the certified lead evaluation contractor. A certificate of occupancy may not be issued until the lead safe certificate is provided.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 278, "Property Maintenance Code", Section 278-3 "Certificate of continued occupancy fees" is hereby supplemented as follows to provide for visual lead inspections for certain rental units pursuant to N.J.A.C. 5:28A-1.2:

Specific Provision	Code Location	Fee
Visual Lead Inspection by Township	278-3 G	\$250.00
Visual Lead Inspection by Contractor: Processing of Certification	278-3 H	\$50.00
Visual Lead Inspection Department of Community Affairs Surcharge	278-3 I	\$20.00

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

§ 125-7 Partial exemptions from fees
Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. 501(c) or (d)] shall be eligible for a refund of 50% of the Uniform Construction Code ("UCC") fees set forth in § 125-3A(1), Alterations, repairs, and remodeling, paid since April 1, 2021, excluding the surcharge fee to the New Jersey Department of Community Affairs provided for in § 125-5 upon receipt of satisfactory proof of qualifications. This section providing for partial exemption from the U.C.C. fees for qualified religious, charitable and nonprofit organizations shall expire on December 31, 2024, unless further extended by formal action of the Township Council.

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

§ 258-4 Permits.

C. Fees.

- (1) The application for the parking permit shall be charged at the rate of \$237 per permit year for Marlboro and Manalapan residents payable at the time of application. Effective October 1, 2024, the application for the parking permit shall be charged at the rate of \$244 per permit year for Marlboro and Manalapan residents. Manalapan residents may apply for a parking permit at any Township commuter parking facility. Nonresidents of jurisdictions other than Manalapan may apply for a parking permit at the Texas Road parking facility, subject to the provisions of § 254-4D(1) and (2), and shall be charged at the rate of \$275 per permit year, payable at the time of application. Effective October 1, 2024, the application fee for the parking permit shall be charged at the rate of \$283 per permit year for nonresidents of jurisdictions other than Manalapan, except that the fee shall remain at \$275 per permit year for those residing in towns with an approved shared services agreement in effect for parking with the Township.
- (2) Daily fee for meter parking: \$5.00. The daily fee for meter parking effective October 1, 2024: \$5.50.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 337-26, "Marlboro Community Garden" is hereby amended as follows:

§ 337-26 Fees.

The annual fee for participation in the Marlboro Community Garden shall be as follows:

- A. Shade Tree Community Garden Plot measuring 40 square feet:
 - (1) Resident.
 - (a) \$40.
 - (b) \$30. (senior)
 - (2) Nonresident.
 - (a) \$50.
 - (b) \$40. (senior)

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

§ 4-88.1 Division of Water Utility

T. Water Customer Charges

(2) Schedule A

Specific Provision	Code Location	Type of Fee, Charge or Rate	Fee Not to Exceed
Water service. Schedule A(1). Single-family residential. Basic quarterly service charge, per meter	4-88.1 T 2 A 1.1	Division of Water Utility; Customer Charges	45.000
Water service. Schedule A(1). Mobile Home Community residential with single meter. Basic quarterly service charge, per unit	4-88.1 T 2 A 1.5	Division of Water Utility; Customer Charges	39.000
Water service. Schedule B. Basic quarterly service charge shall be assessed for each unit (dwelling, store, use, or other establishment) in that development, regardless of the size of the master meter.	4-88.1 T 2 B 1	Division of Water Utility; Customer Charges	45.000
Water service. Schedule C. Basic quarterly service charge, per classroom.	4-88.1 T 2 C 1	Division of Water Utility; Customer Charges	22.500
Connection Fee	4-88.1 T 2 D 1	Division of Water Utility; Customer Charges	6,500.000
Connection Fee for Affordable Units 50%	4-88.1 T 2 D 3	Division of Water Utility; Customer Charges	3,250.000
Water service. Charge for meter installation	4-88.1 T 2 D 5	Division of Water Utility; Customer Charges	35.000
Water service. Replace MXU Box includes cost of MXU and installation	4-88.1 T 2 D 6	Division of Water Utility; Customer Charges	200.000

Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 4" or less.	4-88.1 T 2 E 2	Division of Water Utility; Customer Charges	95.200
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 6".	4-88.1 T 2 E 3	Division of Water Utility; Customer Charges	126.700
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 8".	4-88.1 T 2 E 4	Division of Water Utility; Customer Charges	155.800
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 10".	4-88.1 T 2 E 5	Division of Water Utility; Customer Charges	196.100
Water service. Schedule F. Public Fire Protection Charges per fire hydrant per quarter.	4-88.1 T 2 F	Division of Water Utility; Customer Charges	151.100

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 206, "Precious Metals and Secondhand Buyers", Section 8 "Fees; period of license validity", is hereby amended as follows:

§ 206-8 Fees; period of license validity.

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$3,100. The annual renewal fee for a license shall be in accordance with the following schedule:

2024	2025	2026
\$1,250	\$2,500	\$3,100

These fees include any costs the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by § 206-5D of this chapter. Payments are to be made in the manner directed by the Business Administrator. A license is valid for a one-year period from the date of its issuance.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 4-71, "Division of Police", Section E "Special-duty assignments for police officers" is hereby amended as follows:

Article XV Department of Public Safety
(6) Fees.

(a) The total hourly rate/charge payable for extra-duty services shall be as follows:

Job Description	\$120.00
Construction work	\$120.00
Security work	\$120.00
Extracurricular school work	\$ 90.00
Nonprofit sporting work	\$ 90.00
Other nonprofit	\$ 90.00
Other	\$ 90.00
Long-term ongoing	\$ 90.00

(b) A four-hour minimum is applicable to all jobs unless waived by the Chief of Police or his designee.

(c) Fifteen percent of the total hourly charge shall be retained by the Township.

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

Specific Provision	Code Location	New Fee
Travel camp: not to exceed \$1,860. Nonrefundable deposit of \$375 shall apply.	265-2 E	\$2,900.00

§ 265-41 Facility usage fees (indoors).

B. Morganville Senior Center and Morganville Firehouse.

(1) Meeting and activity fees.

(a) Multipurpose room

[1] Fee for weekdays per hour: \$20.

[2] Fee for weekends per hour: \$20.

(b) Building attendant: \$20 per hour, minimum of 2 hours.

(2) Event fees.

(a) Resident and nonprofit organizations for event size of:

[1] One to 50 people: \$75.

[2] Fifty-one to 150 people: \$200. (Firehouse only)

[3] 151 to 300 people: \$500. (Firehouse only)

(b) A refundable security deposit in the amount of \$250 shall be required.

(c) Building attendant: \$20 per hour, minimum of 2 hours.

(d) Setup and breakdown fee: \$30 per event.

(e) Janitorial services: \$25 per hour.

(f) Cancellation fee. If the event is canceled after 14 days from the posting of the deposit, an administrative fee of \$50 shall be charged.

§ 265-42 Facility usage fees (outdoors).

These fees include the use of all Township and Marlboro Board of Education facilities.

B. Seasonal fees

(1) Marlboro Pop Warner, permit fee for August 1 to November 30, 2024: \$3,600; \$5,400 for August 1, 2025 to November 30, 2025; \$8,100 for August 1, 2026 to November 30, 2026.

(2) Marlboro Little League, permit fee for April 1 to June 30, 2024: \$600; \$900 for April 1, 2025 to June 30, 2025; \$1,350 for April 1, 2026 to June 30, 2026.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Ordinance #2024-003 (ORDINANCE AMENDING LAND USE AND DEVELOPMENT," ARTICLE III, OF THE CODE OF THE TOWNSHIP OF MARLBORO was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Viridi and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2024-003

AN ORDINANCE AMENDING CHAPTER 220 "LAND USE AND DEVELOPMENT," ARTICLE III, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REZONE CERTAIN PARCELS

WHEREAS, pursuant to N.J.S.A. 40:55D-62 the Marlboro Township Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings, and structures thereon; and

WHEREAS, the Marlboro Township Council has reviewed various parcels and wishes rezone certain parcels to ensure a cohesive zone plan.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that CHAPTER 220 "Land Use and Development" Article III, of the Code of the Township of Marlboro is hereby amended to include the following:

§220-47 "LC Land Conservation District" Amendment

The Township zoning map shall be amended to place the following property into the LC Land Conservation District of the Township zoning map:

Block	Lot	Facility	Acreage
207	3	Farm	7.66

§220-87.1 "C-5 Community Commercial District." Amendment

The Township zoning map shall be amended to place the following properties into the C-5 Community Commercial District II of the Township zoning map:

Block	Lot	Facility	Acreage
414	1	Farm	0.5
414	2	Farm	8.3
415	24	Farm	11.22
415	27	Farm	18.34
415	30	Farm	16.71

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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

- a. Township Business Administrator
- b. Township Chief Financial Officer
- c. Township Engineer
- d. Louis Rainone, Esq.

The following Ordinance #2024-004 (ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 ("LAND USE AND DEVELOPMENT") OF THE CODE OF THE TOWNSHIP OF MARLBORO was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2024-004

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 ("LAND USE AND DEVELOPMENT") OF THE CODE OF THE TOWNSHIP OF MARLBORO DEFINING FLEX SPACE AND WAREHOUSES, CLARIFYING PROVISIONS FOR DECKS AND POOLS, ESTABLISHING CRITERIA FOR STANDBY GENERATORS, AIR CONDITIONING UNITS AND USE OF GARAGE SPACE

WHEREAS, in its annual review of the Master Plan, Planning and Zoning Board applications as well as zoning permits, license and permit fees, the Department of Community Development has made a

number of recommendations for amendments and supplements to Chapter 220 of the Marlboro Township Code; and

WHEREAS pursuant to N.J.S.A. 40:55D-62, the Township Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings, and structures thereon.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use and Development", Section 4 "Definitions and Word Usage" is hereby supplemented as follows:

§220-4 Definitions and Word Usage

E-COMMERCE

Also known as electronic commerce, e-commerce shall mean the buying and selling of goods and services through online consumer services on the internet.

FLEX USE

A building, or parts of a building, suitable for or capable of being changed to accommodate a variety of permitted uses including office, assembly, showroom, laboratory, light manufacturing, recreational and warehouse space and designed to be used on a short term or long term basis with no more than 20% of tenant space designated office and no more than 50% of the total tenant space designated non-warehouse/storage.

FULFILLMENT CENTER

A facility involved in the receipt of bulk products and the storage, separation, repurposing, breakup, assembly, and/or distribution of said products on an individual basis to individual end user consumers (not retail). This includes e-commerce activities.

WAREHOUSE

A facility involved in short- to long-term storage and distribution of bulk materials and products. Items are brought in and distributed in bulk with little to no material repackaging, repurposing or breakup. Warehousing shall not include fulfillment center(s), truck terminals, or fleet service facilities.

FLEET SERVICE FACILITIES

A grouping of five (5) or more vehicles owned and managed by a single entity for use by public or private industries to maximize budget and efficiency within their industry.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use and Development", Section 140 "Accessory

buildings and structures" is hereby amended and supplemented as follows:

§220-140 Accessory buildings and structures.

There shall be included by reference in this section all language set forth in § 220-140A through G, inclusive, except that Subsection D will now present guidelines along with an appendix which outlines the maximum area allowed for an accessory structure by zoning designation. The following regulations shall apply to all accessory buildings and structures:

A. Distance between adjacent buildings or structures. The minimum distance between an accessory building or structure and any other building(s) on the same lot shall be 10 feet, except that no commercial poultry or brooder house shall be erected nearer than 400 feet to any dwelling on the same lot and no livestock shelter shall be erected nearer than 100 feet to any dwelling on the same lot or adjacent lot, and except that accessory buildings or structures other than poultry or brooder houses may be placed a minimum of 10 feet from underground structures, such as the water area of swimming pools, provided such accessory buildings or structures are a minimum of 10 feet from any aboveground principal or accessory building or structure, except under the following circumstances:

- (1) Portable hot tubs/spas shall be permitted less than 10 feet from any building or structure on the same lot.
- (2) Any deck providing direct access at the same elevation shall be permitted less than 10 feet from an above-ground or in-ground swimming pool.
- (3) Any deck providing direct access at the same elevation shall be permitted less than 10 feet from a dwelling.

B. Standby Generators. Standby generators are considered an accessory structure in all zone districts.

- (1) Standby generators shall be installed in accordance with the latest standards and requirements established within the Uniform Construction Code (UCC).
- (2) No generator shall be installed within a front yard area of any zone district. The generator may be no closer to the street than the existing principal structure on the property.

- (3) All standby generators shall be installed in accordance with the side and rear accessory setback requirements of the zone district the generator is to be located in. In no instance shall a standby generator be placed less than 10 feet from a side property line except as follows:
 - (a) Should the lot size of the property the generator is to be located on be 10,000 square feet or less, the standby generator may be placed no less than 5 feet from the side property line. The required rear accessory structure setback shall be satisfied. The standby generator shall be screened by plantings or fencing.
 - (b) Should the accessory structure setback for a side yard be the same as the required side setback for a principal structure in any residential district and the dwelling has been constructed at the required setback, the generator may be placed no less than 5 feet from the side property line. The generator shall meet required rear accessory structure setback standards. The standby generator shall be screened by plantings or fencing.
- (4) Standby generators shall be exempt from the provisions of "Chapter 241 Noise" only when operating during a power outage or during required testing intervals.

C. Air Conditioner Condenser Units.

- (1) On all residential properties within residential districts and residential properties within commercial districts, air conditioner condensers are not subject to accessory structure setbacks. Zoning permits are not required for the installation or placement of air condition condenser units however all necessary permits shall be obtained from the Construction Official's Office.
- (2) On all commercial and industrial properties air conditioning condenser units shall satisfy accessory structure setback requirements of the district where the equipment is to be placed. Zoning and Construction permits are required for the placement of new equipment.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use and Development", Section 169 "Off Street Parking" is hereby amended and supplemented as follows:

§ 220-169 Off-street parking

Carports and garages. No carports are permitted in the Township. Unless otherwise permitted by this chapter, detached single-family dwellings located on lots equal to or greater than 20,000 square feet shall have a minimum two-car garage, attached to or detached from the principal building, a minimum area of 400 square feet and provide for a minimum twenty-foot-wide driveway connecting the garage to the adjacent street constructed in accordance with the requirements contained herein. Detached single-family dwellings located on lots less than 20,000 square feet shall have a minimum one-car garage, attached to or detached from the principal building, having a minimum area of 200 square feet and shall provide for a minimum ten-foot-wide driveway connecting the garage to the adjacent street constructed in accordance with the requirements contained herein. Under no circumstances shall any garage 400 square feet or less be converted to living space. Any garage 400 square feet or less lawfully converted to living space prior to 2005 shall be exempt from this requirement.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Ordinance #2024-005 (ORDINANCE AMENDING CHAPTER 312, ARTICLE II OF THE CODE OF THE TOWNSHIP OF MARLBORO was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2024-005

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING
CHAPTER 312, ARTICLE II OF THE CODE OF THE TOWNSHIP OF
MARLBORO ENTITLED "SMOKING AND TOBACCO PRODUCTS, MUNICIPAL BUILDING
SMOKE FREE ZONES"

BE IT ORDAINED, by the Township Council of the Township of Marlboro that Chapter 312, Article II of the Code of the Township of Marlboro entitled "SMOKING AND TOBACCO PRODUCTS, MUNICIPAL BUILDING SMOKE FREE ZONES" is hereby amended to prohibit smoking therein as follows:

Chapter 312. Smoking and Tobacco Products

Article II. Municipal Building Smoke-Free Zones
[Adopted 8-13-2015 by Ord. No. 2015-11]

§ 312-8. Purposes.

The following are the purposes of this article:

A. The United States Surgeon General has determined that there is no safe level of exposure to secondhand smoke and that nonsmoking Americans exposed to secondhand smoke in public places are at significantly increased risk of heart disease and lung cancer (see U.S. Department of Health and Human Services, the Health Consequences of Involuntary Exposure to Tobacco Smoke: a report of the Surgeon General, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006); and

B. Smoking is the leading cause of death in the United States and the United States Centers for Disease Control and Prevention has determined that reduction of the death and disease caused by tobacco use and exposure to secondhand smoke is one of the six top national healthcare priorities; and

C. Pursuant to N.J.S.A. 40:48-1, Marlboro is given the authority to adopt ordinances for the public health, safety and welfare of the Township, its citizens, residents and guests; and

D. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) ("NJSFAA") specifically authorizes local restrictions on smoking "equivalent to, or greater than" those provided in the NJSFAA for purposes of "protecting public health." ; and

E. It is clearly in the public interest to prohibit the use of smoking products and electronic smoking devices in all enclosed indoor places of public access and workplaces and at all public parks and recreation facilities.

§ 312-9. Definitions.

As used in this article, the following terms shall have the following definitions:

ELECTRONIC SMOKING DEVICE

An electronic device that can be used to deliver nicotine, recreational cannabis or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.

SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco, recreational cannabis or any other substance that can be smoked, or the inhaling of smoke or vapor from an electronic smoking device.

§ 312-10. Municipal Building Smoke-Free Zones.

Smoking is hereby prohibited on the grounds of the Township Municipal Complex and Recreation Center regardless of whether the area is an indoor public place or is outdoors.

§ 312-11. Parks and Recreational Facilities

Smoking is hereby prohibited in all municipal parks, recreational facilities and open space parcels owned by the Township regardless of whether the area is an indoor public place or is outdoors.

§ 312-12. No Smoking Signage

Notice of the prohibitions contained in this article shall be conspicuously posted by signs stating "No Smoking" and shall reference the applicable Code provisions. "No Smoking" signs or the international no-smoking symbol shall be clearly, sufficiently and conspicuously posted in all areas regulated by this article. The signs shall be clearly visible to the public and shall indicate that violators are subject to fine. It shall not be a defense to a charge under this article that the accused did not see such signs.

§ 312-13. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not less than \$100 for the first offense, \$250 for the second offense and \$500 for each subsequent offense.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Ordinance #2024-006 (ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER PROPERTY LOCATED ON THORTON AVENUE KNOWN AS BLOCK 143, LOTS 1.02 AND 12 was introduced by reference, offered by Councilman Scalea, seconded by Councilman Qazi and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2024-006

ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER PROPERTY LOCATED ON THORTON AVENUE KNOWN AS BLOCK 143, LOTS 1.02 AND 12, FROM 100 BUCKINGHAM STREET OWNER, LLC, IN CONNECTION WITH THE REPAIRS AND/OR MAINTENANCE OF WATER PIPELINE AND FACILITIES

WHEREAS, 100 Buckingham Street Owner LLC ("100 Buckingham") is the owner of property located on Thorton Avenue, identified on the Township of Marlboro Official Tax Map as Block 143, Lot 1.02 and 12 (the "Property"); and

WHEREAS, the Township of Marlboro (the "Township") seeks to acquire a non-exclusive easement in perpetuity for locating, installing, constructing, using, relocating, reconstructing, removing, maintaining, replacing, and inspecting, excavating, preserving, changing the size of, and abandoning in place, a water main desired for the transportation of potable water by pipeline, to be located within, upon or beneath the Property; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b) (1) of the Local Lands and Buildings Law, the Township is authorized to acquire any real property, or interests therein, by ordinance, to any political subdivision, board or body corporate and politic of the State of New Jersey; and

WHEREAS, a Declaration of Easement from 100 Buckingham has been executed by 100 Buckingham, which provides the Township with a perpetual, non-exclusive easement in the Property as described in the Declaration appended hereto as Attachment A; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the aforementioned Declaration of Easement in a form substantially similar to the form attached hereto as Attachment A, subject to the review and approval of the Township Attorney; and

WHEREAS, the Township Attorney has reviewed the aforementioned Declaration of Easement and agreed that it is in the best interests of the Township to acquire the easement.

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 acceptance of the Declaration of Easement as described in substantially the form appended hereto as Attachment A, subject to the review and approval of the Township Attorney, which set forth the terms and conditions pertaining to the easement.
2. If any section or provision of this Ordinance shall be held to be invalid by any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance.
3. All ordinances or part of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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

RESOLUTION #2024-048

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A
SHARED SERVICES AGREEMENT BETWEEN
MARLBORO TOWNSHIP AND THE TOWNSHIP OF MONROE
FOR USE OF THE MARLBORO COMMUTER PARKING
FACILITY AT ROUTE 9 AND TEXAS ROAD

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

WHEREAS, the Township of Marlboro ("Marlboro") and Township of Monroe ("Monroe") 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, Marlboro maintains a commuter parking lot facility at Route 9 and Texas Road in the Township of Marlboro; and

WHEREAS, Marlboro desires to enter into an agreement with Monroe which will permit Monroe residents to purchase an annual permit to park at the facility; and

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

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

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Municipal Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION #2024-049

RESOLUTION REAPPOINTING JOSEPH PERNICE AS A MEMBER OF THE WESTERN
MONMOUTH UTILITIES AUTHORITY FOR A TERM OF FIVE YEARS
EXPIRING JANUARY 31, 2029

WHEREAS, Sections 60-5 through 60-13 of the "Code of the Township of Marlboro" establish the Western Monmouth Utilities Authority, which was created pursuant to N.J.S.A. 40:14B-1, et seq.; and

WHEREAS, the Township Council of the Township of Marlboro desires to reappoint JOSEPH PERNICE for a term of five (5) years, commencing February 1, 2024 and ending January 31, 2029 to the Western Monmouth Utilities Authority; and

WHEREAS, N.J.S.A. 40:14B-5 provides that the members of joint authorities composed of two or more municipalities shall be appointed by the governing bodies of the participating municipalities; and

WHEREAS, Section 60-7 of the Township Code further provides for the appointment of members of the Western Monmouth Utilities Authority from Marlboro Township by a majority vote of the Township Council of the Township of Marlboro; and

WHEREAS, Section 60-8 of the Code of the Township of Marlboro provides that compensation for such services shall be paid to members of the Authority in an amount not to exceed \$4,000.00 per year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that JOSEPH PERNICE be and hereby is appointed as a member of the Western Monmouth Utilities Authority for a term of five years commencing February 1, 2024 and ending on January 31, 2029, with compensation for said services to be determined by a resolution of the Western Monmouth Utilities Authority in an amount not to exceed \$4,000.00 per year pursuant to Section 60-8 of the Code of the Township of Marlboro.

RESOLUTION #2024-050

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO MCCLOSKEY
MECHANICAL CONTRACTORS, INC. FOR THE PROVISION OF HVAC IMPROVEMENTS
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2023 and 2024 capital program (23-122-102 & 24-122-101) authorized the PROVISION OF HVAC IMPROVEMENTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (P-23-00336 & P-23-00337); and

WHEREAS, the Township of Marlboro accepted bids for the PROVISION OF HVAC IMPROVEMENTS (Bid #2023-19) and on December 13, 2023 received two (2) bids; and

WHEREAS, the Township Council rejected the received bids on December 21, 2023 (Resolution #2023-254) pursuant to 40A:11-23.2(d) and 40A:11-13.2(b); and

WHEREAS, the Township of Marlboro re-advertised for the acceptance of bids for the PROVISION OF HVAC IMPROVEMENTS (Bid 2023-19B), and on January 12, 2024, received two (2) proposals as follows:

Item Description	EACM Corp	McCloskey Mechanical Contractors
	20 Meridian Road, Unit 1	445 Lower Landing Road
	Eatontown, NJ 07724	Blackwood, NJ 08012
	Bid Price	Bid Price
1. Demolish the Existing Air Handling Unit and Cooling Tower	\$58,500.00	\$35,000.00
2. Provide New Air Handling Unit (and rig in place)	\$190,000.00	\$140,000.00
3. Provide New Cooling Tower (and rig in place)	\$156,000.00	\$66,550.00
4. Install and Connect New Air Handling Unit	\$82,500.00	\$25,000.00
5. Provide a Performance Design for Air Handling Unit New Curb, Dunnage, and Duct Connection for New Air Handling Unit and Install	\$18,250.00	\$75,000.00
6. Install and Reconnecting of New Cooling Tower	\$104,000.00	\$148,368.00
7. Electrical Scope	\$23,500.00	\$23,220.00
8. BMS Set-up and Controls	\$115,000.00	\$104,760.00
9. Testing, Commissioning, Balancing	\$16,750.00	\$3,240.00
10. Allowance for Demolition of the Ceiling	\$40,000.00	\$40,000.00
11. Allowance for Work Not Specified	\$5,000.00	\$5,000.00
Total	\$809,500.00	\$666,138.00

; and

WHEREAS, in a memo dated January 12, 2024, the Township Engineer has reported that McCloskey Mechanical Contractors, Inc., whose address is 445 Lower Landing Road, Blackwood, NJ 08012, is responsive and has recommended that a contract be awarded, for the PROVISION OF HVAC IMPROVEMENTS, in an amount not to exceed \$666,138.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to McCloskey Mechanical Contractors, Inc., whose address is 445 Lower Landing Road, Blackwood, NJ 08012 in an amount not to exceed \$666,138.00 for the PROVISION OF HVAC IMPROVEMENTS.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with McCloskey Mechanical Contractors, Inc., whose address is 445 Lower Landing Road, Blackwood, NJ 08012 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 \$666,138.00 are available for the aforesaid contract in Capital Accounts 04-215-21-04J-122298 and 04-215-23-05K-122288.

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

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

RESOLUTION #2024-051

A RESOLUTION AUTHORIZING CONTRACT WITH GRIFFITH-ALLIED TRUCKING, LLC FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

UNDER NJ STATE CONTRACTS #19-FLEET-00978 and #19-FOOD-01105

WHEREAS, the Marlboro Township fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, the Township of Marlboro Department of Public Works is in need of Ultra Low Sulfur Diesel and 87 Octane Unleaded Gas to maintain the fuel dispensing and management system; 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain said fuel from Griffith-Allied Trucking, LLC; and

WHEREAS, in a memo dated November 5, 2021 Director of Public Works has recommended that the Township purchase said fuel from Griffith-Allied Trucking, LLC under State Contracts #19-FLEET-00978 and #19-FOOD-01105 in an amount not to exceed \$900,000.00; and

WHEREAS, the estimated total represents the annual cost of gasoline and fuel purchased for the municipality, school district, fire district, first aid departments and other entities; and

WHEREAS, funds will be certified by the Chief Financial Officer in Current Account #01-201-31-168-238 at the time of order.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with Griffith-Allied Trucking, LLC whose address is P.O. Box 392, Manville, NJ 08835 for the purchase of ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACTS #19-FLEET-00978 and #19-FOOD-01105 in an amount not to exceed \$900,000.00.

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

- a. Griffith-Allied Trucking, LLC
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2024-052

RESOLUTION AUTHORIZING AWARD OF STATE OF NEW JERSEY, AND VARIOUS COOPERATIVE PURCHASING SYSTEM CONTRACTS TO VARIOUS VENDORS FOR THE PURCHASE OF AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF VEHICLE MAINTENANCE

WHEREAS, the Department of Public Works Division of Vehicle Maintenance, of the Township of Marlboro, is in need of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES in order to maintain the Township vehicle fleet; 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, a municipality is also authorized to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from bids obtained by a cooperative pricing system pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program, the Educational Services Commission of New Jersey (ESCNJ) and the Somerset County Cooperative Purchasing Program have conducted public bid processes and awarded contracts to various vendors for the provision of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES; and

WHEREAS, the Public Works Department has indicated that the various vendors listed below have agreed to extend State Contract and Cooperative pricing to Marlboro Township; and

WHEREAS, in a memo dated December 28, 2023, the Director of Public Works Department has recommended the award of contracts as follows:

Monmouth County Cooperative Purchasing		
Vendor	Contact Number	Amount
Allied Diesel	F-4-2023	\$ 30,500.00
At Northern New Jersey LLC	F-38-2024	\$ 25,000.00
Brices Auto Supply	F-16-2024	\$ 5,000.00
C&M Auto Parts	F-16-2024	\$ 31,500.00
	F-80-2022	\$ 8,000.00
Electro Batteries, Inc.	F-35-2022	\$ 7,500.00
Freehold Dodge	F-18-2024	\$ 40,000.00
Freehold Ford	F-18-2024	\$ 22,500.00
Jesco	F-8-2023	\$ 3,500.00
Sea Coast Chevrolet	F-18-2024	\$ 8,000.00
Service Tire Truck Center	F-12-2022	\$ 22,500.00
Van Winkle Auto Supply	F-16-2024	\$ 10,000.00
Varga Transmissions	F-5-2022	\$ 10,000.00
Total		\$ 224,000.00

Educational Services Commission of New Jersey		
Vendor	Contract Number	Amount
At Northern New Jersey LLC	23/24-04	\$ 25,000.00
Central Jersey Equipment	22/23-12	\$ 5,000.00
Creston Hydraulics	22/23-12	\$ 5,000.00
Foley Inc.	22/23-46	\$ 32,500.00
Groff	22/23-12	\$ 5,000.00
Parts Authority, LLC	20/21-38	\$ 30,000.00
Storr Tractor	22/23-12	\$ 20,000.00
Trius, Inc	22/23-12	\$ 30,000.00

W.E. Timmerman	23/24-04	\$ 7,500.00
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Total \$ 160,000.00

Somerset County Co-Op		
Vendor	Contract Number	Amount
Campbell Freightliner	CC-0129-23	\$ 15,000.00
D&B Auto	CC-0113-22-2	\$ 80,000.00
Gabrielli Kenworth / Peterbilt	CC-0129-23	\$ 20,000.00
Garwood Auto Parts	CC-0113-22	\$ 30,000.00
The Hose shop Inc.	CC-0129-23	\$ 10,000.00
Hoover Truck & Bus Center	CC-0131-22	\$ 10,000.00
Hudson County Motors	CC-0129-23	\$ 10,000.00
Petrochoice LLC	CC-0047-23	\$ 20,000.00
Sanitation Equipment Corp.	CC-0129-23	\$ 15,000.00
Storr Tractor Co.	CC-0091-22	\$ 20,000.00

Total \$ 230,000.00

State Contract		
Vendor	Contract Number	Amount
A & A Truck Parts	19-GNSV1-00652	\$ 3,000.00
A & K Equipment	88273	\$ 12,000.00
Air Brake & Equipment	89279	\$ 5,000.00
Aurora Environmental	42274	\$ 15,000.00
B. J. and M. Auto	89295	\$ 3,500.00
Brown Hunterdon Mack	20-FLEET-01202	\$ 10,000.00
Chemung Supply	88262	\$ 15,000.00
Creston Hydraulics	40823	\$ 15,000.00
Custom Bandag Inc.	20-FLEET-00948	\$ 65,000.00
David Weber Oil	20-FLEET-01343	\$ 30,000.00
Eastern Warehouse Dist. Inc.	86011	\$ 10,000.00
Elite Emergency Lights	17-FLEET-00749	\$ 7,500.00
Fastenal	19-FLEET-00565	\$ 8,000.00
Freehold Ford	19-FLEET-00918	\$ 30,000.00
HA DeHart	40816	\$ 10,000.00
Linde Gas & Equipment	83290	\$ 3,000.00
Midland Radiator Service	89282	\$ 3,500.00
Norcia	85864	\$ 5,000.00
Norman's Auto Services	21-GNSV1-01498	\$ 6,000.00
Parts Authority	20-FLEET-00984	\$ 15,000.00
Perth Amboy Springs	89276	\$ 16,000.00
R & H Spring	89291	\$ 5,000.00
Romeo Enterprises	20-FLEET-01345	\$ 5,000.00
Route 1 Dodge	40802	\$ 25,000.00
Sanitation Truck Repair Inc.	89290	\$ 10,000.00
Sea Coast Chevrolet	40799	\$ 5,000.00
Trius, Inc.	21-FLEET-01453	\$ 35,000.00
Varga Transmission Center	40828	\$ 10,000.00

Total \$ 382,500.00

;and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain auto and truck parts and supplies under the State Contract and through the Purchasing Cooperatives in order to maintain the Township vehicle fleet; and

WHEREAS, subject to available budget appropriations, funds will be certified by the Chief Financial Officer at the time of order; and

WHEREAS, the Township Council desires to approve the purchase of said AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$224,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors pursuant to the bid obtained by the ESCNJ Cooperative Purchasing Program, for a total amount not to exceed \$160,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors pursuant to the bid obtained by the Somerset County Cooperative Purchasing Program, for a total amount not to exceed \$230,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the vendors and under the State Contracts identified above in an amount not to exceed \$382,500.00.

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

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

RESOLUTION #2024-053

RESOLUTION AUTHORIZING AWARD OF STATE OF NEW JERSEY,
CONTRACTS TO VARIOUS VENDORS FOR THE PURCHASE OF BUILDING
AND MAINTENANCE SUPPLIES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, in order to maintain and operate Township facilities, the Department of Public Works utilizes a wide variety of supplies available under State Contracts generally classified as "BUILDING AND MAINTENANCE SUPPLIES"; 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 Department of Public Works has advised that State Contract pricing is available from the vendors listed below for the required BUILDING AND MAINTENANCE SUPPLIES; and

WHEREAS, the Department of Public Works has estimated the amounts required through the end of 2024 to maintain and operate Township facilities, and at this time has recommended the contract awards be awarded as follows:

State Contract		
Vendor	Contract Number	Amount
W. W. Grainger	19-FLEET-00566	\$ 50,000.00
Home Depot	18-FLEET-00234	\$ 30,000.00
Lowe's	23-FLEET-22885	\$ 5,000.00

;and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain and the building and maintenance supplies under the State Contracts in order to maintain and operate the Township facilities; and

WHEREAS, funds, subject to available budget appropriations and will be certified by the Chief Financial Officer at the time of order; and

WHEREAS, the Township Council desires to approve the purchase of said BUILDING AND MAINTENANCE SUPPLIES as recommended by the Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby

granted to purchase BUILDING AND MAINTENANCE SUPPLIES from the vendors and under the State Contracts identified above in an amount not to exceed \$85,000.00 for the year 2024.

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

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

RESOLUTION #2024-054

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE WATER IMPROVEMENTS, AT THE SITE KNOWN AS LOITZK BATIM, LLC (MARLBORO ESTATES, LLC), BLOCK 119, LOT 31.11-31.17, LOCATED AT 2-14 FALSON LANE, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Heshy Tessler of Loitzk Batim, LLC for release of the Township held Performance Guarantees in the form of a Performance Surety Bond for water improvements ("Water Improvements") on the Site known as "Loitzk Batim, LLC (Marlboro Estates, LLC)" (the "Site"), property known as Block 119, Lot 31.11-31.17, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Loitzk Batim, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated December 29, 2023, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current performance surety bond and cash deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated December 29, 2023.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee in the form of performance surety bond and cash deposit posted by the Developer, Loitzk Batim, LLC, for the site known as Loitzk Batim, LLC (Marlboro Estates, LLC), on the property known as Block 119, Lot 31.11-31.17, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (NGM Insurance Company, Bond No. S322666), in the original amount of \$113,092.20, present value of \$40,664.70, shall be released in its entirety.
2. The Cash Deposit (First Commerce Bank, Check No. 1005) in the original amount of \$12,565.80, present value of \$4,518.30 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee release, and the post of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$15,707.25.

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

- a. Loitzk Batim, LLC & Loitzk Batim 2, LLC
- b. NGM Insurance Company
- c. First Commerce Bank
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer

RESOLUTION #2024-055

REMOVED FROM THE AGENDA

RESOLUTION #2024-056

A RESOLUTION AUTHORIZING ACCEPTANCE
OF DONATIONS FROM VARIOUS ENTITIES
FOR THE MARLBORO TOWNSHIP HOLIDAY LIGHTING

WHEREAS, various donations of foods and beverages were made to the Marlboro Township Holiday Lighting community event, from the following entities:

Wegmans
Whole Foods
The Food Emporium
Chartwells

; 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 on the attached memo 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.

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

- a. Township Business Administrator
- b. Chief Financial Officer

RESOLUTION #2024-057

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

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

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

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

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

WHEREAS, the Department of Recreation estimates various trips and associated fees for the 2024 program year in an amount not to exceed \$268,160.00; and

WHEREAS, the funding for these trips is generated from user fees and will be available from Recreation and Swim Utility Accounts 09-201-55-400-212471 (SENIOR TRIPS), 09-201-55-400-212480 (SUMMER DAY CAMP TRIPS), and 09-201-55-400-212485 (TEEN TRAVEL CAMP), to be certified by the Chief Financial Officer at the time of obligation and after the adoption of the 2024 Recreation and Swim Utility Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro hereby authorizes the Department of Recreation to purchase tickets/admission for various fee-based programs as described above in an amount not to exceed \$268,160.00.

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

RESOLUTION #2024-058

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

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

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

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

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

WHEREAS, the Director of Recreation has recommended that the Township utilize the MTBOE and FRHSD facilities for the Recreation Department's 2024-2025 season; and

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

WHEREAS, funds in the amount not to exceed \$68,402.00 for the facility rental services have been certified by the Chief Financial Officer from the Recreation and Swim Utility Accounts #09-201-55-

400-216402, #09-201-55-400-216426, #09-201-55-400-216406 and #09-201-55-400-216427; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Business Administrator are hereby authorized and directed to execute the contracts or agreements necessary to secure the facility rentals from the Marlboro Township Board of Education and Freehold Regional High School District in support the programs of the Marlboro Township Recreation Department.

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

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

RESOLUTION #2024-059

TAX LIEN REDEMPTION

WHEREAS, the rightful owner of several properties have redeemed tax sale certificates totaling \$38,920.91 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 \$38,920.91 be refunded to the certificate holders as per Schedule "A".

SCHEDULE A

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2021-026	193.02/60	Stonefield Investment Fund IV Remittance Drive Dept 6803 Chicago, IL 60675	38,920.91

