

MARLBORO TOWNSHIP COUNCIL MEETING

February 15, 2024

The Marlboro Township Council held its regularly scheduled meeting on February 15, 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 February 13, 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.

Municipal Clerk Susan A. Branagan called the roll.

PRESENT: Council Vice President Milman (via conference call), 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

Citizen's Voice:

Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey said that he has not received engineering approval for building on his commercial property.

Lisa Pereira of 53 Dowing Lane, Jackson questioned the state's pension process.

Council Speaks Out: Councilman Scalea thanked the business administrator and chief financial officer for preparing the budget this year. Councilwoman Viridi wished all who celebrate, a Happy Chinese New Year. Councilman Qazi provided updates from the police and public works departments. Council Vice President Milman also wished everyone a Happy Chinese New Year and provided an update on the township's rain garden. Council President DiNuzzo provided updates for Marlboro's Drug Alliance, Teen Advisory Committee, Western Monmouth Utilities Authority as well as the Township's Historic Commission.

Administrative Report: Mayor Hornik thanked Marlboro's Office of Emergency Management, police, public works, fire and first aid for keeping residents safe during the recent snowstorm. He thanked Lieutenant Andrew Goldberg for 25 years of service, as he will be retiring this month; the mayor wished him all the best. In closing, Mayor Hornik wish all who celebrate a Happy Chinese New Year, wishing all families prosperity and good health.

Councilman Scalea moved that the Council meeting minutes of January 25, 2024 be approved. This was seconded by Councilman Qazi, and passed on a roll call vote of 5 - 0 in favor.

The following 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) was introduced by reference. Council President DiNuzzo opened the Public Hearing on Ordinance #2024-001.

Harrison Faulkner of 8 Laurel Lane stated that he would like to see an increase in salary for all municipal employees.

As there was no one else who wished to speak, the public hearing was closed. A motion to adopt Ordinance #2024-001 was offered by Councilman Qazi and seconded by Councilwoman Viridi. The ordinance was 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 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) was introduced by reference. Council President DiNuzzo opened the Public Hearing on Ordinance #2024-002. As there was no one who wished to speak, the public hearing was closed. A motion to adopt Ordinance #2024-002 was offered by Councilman Qazi and seconded by Councilwoman Viridi. The ordinance was 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 Chapter 220 "Land Use and Development," Article III, of the Code of the Township of Marlboro to Rezone Certain Parcels) was introduced by reference. Council President DiNuzzo opened the Public Hearing on Ordinance #2024-003.

Diane Griesback of 208 Route 79, Marlboro asked about proposed commercial developments on the land surrounding her property with this zoning change. Township Attorney Louis Rainone stated that there are currently no proposed developments at this time.

Dr. Stephanie Messa and Sandeep Rathi of 8 Huxley Court stated that they are concerned about the potential of commercial development in the re-zoned areas and are opposed to this ordinance.

Adam Schneider of 640 Kirwan Court, Freehold Township provided his support for the previous speakers. He also stated that he would like the zones to stay as they are zoned today.

Stephen Doglio of 410 Bob Ferrell Court, Freehold Township stated he does not support this ordinance and would come up with a compromise if a development happens. The mayor advised him that if there were any requests to build on this land, the builder(s) would have to apply to the planning board. All neighbors would be notified and could present any concerns or compromises to that board.

Joseph Wallis of 23 Old Mill Road asked if there were any applications submitted to build on the re-zoned land. Township Attorney Louis Rainone stated that there are currently no proposed developments at this time.

As there was no one else who wished to speak, the public hearing was closed. A motion to postpone Ordinance #2024-003 to the February 29, 2024 council meeting was offered by Councilman Scalea and seconded by Councilman Qazi. The motion was 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

The following Ordinance #2024-004 (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) was introduced by reference. Council President DiNuzzo opened the Public Hearing on Ordinance #2024-004.

Dorothy Colao of 215 Sorrel Drive in Morganville requested to hear a summary of this ordinance. This information was provided by the business administrator.

As there was no one else who wished to speak, the public hearing was closed. A motion to adopt Ordinance #2024-004 was offered by Councilman Scalea and seconded by Councilwoman Virdi. The ordinance was 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 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") was introduced by reference. Council President DiNuzzo opened the Public Hearing on Ordinance #2024-005. As there was no one who wished to speak, the public hearing was closed. A motion to adopt Ordinance #2024-005 was offered by Councilman Scalea and seconded by Councilwoman Viridi. The ordinance was 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 Water Utility Easement over Property Located on Lloyd Road Known as Block 143, Lots 1.02 & 12, from 100 Buckingham Street Owner, LLC) was introduced by reference. Council President DiNuzzo opened the Public Hearing on Ordinance #2024-006. As there was no one who wished to speak, the public hearing was closed. A motion to adopt Ordinance #2024-006 was

offered by Councilwoman Viridi and seconded by Councilman Scalea. The ordinance was 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 Councilwoman Viridi, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2024-061

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION  
TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE  
TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Board of County Commissioners, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Township of Marlboro is designated as a "congested area" by the Federal Aviation Administration and the County has

requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
  - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
  - b. such operations will be performed in compliance with applicable Federal and State regulations, and
  - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

RESOLUTION #2024-062

RESOLUTION APPOINTING GAIL SACK & DAPHNE MISHKIN AS MEMBERS OF  
THE BOARD OF TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to appoint GAIL SACK and DAPHNE MISHKIN to the Board of Trustees of the Marlboro Free Public Library, for a five year term, such term to expire August 10, 2028.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointments of GAIL SACK and DAPHNE MISHKIN.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the appointments of GAIL SACK and DAPHNE MISHKIN as members of the Board of Trustees of the Marlboro Free Public Library without compensation for a term expiring on August 10, 2028 is hereby confirmed.

BE AND IT IS FURTHER RESOLVED, that the appointments are made pursuant to NJSA 40:54-9 et. seq. and Section 4-93 of the Marlboro Code.

RESOLUTION #2024-063

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO ON SITE LANDSCAPE MANAGEMENT FOR THE PROVISION OF PROPERTY MAINTENANCE SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized for the acceptance of bids for the PROVISION OF PROPERTY MAINTENANCE SERVICES (Bid #2024-02), and on January 24, 2024, received one (1) proposal as follows:

On Site Landscape Management P.O. Box 294 Perrineville, NJ 08535		
Item No.	Description	Annual Cost
1	Table 1A and 1B - Municipal Right-of-Ways and Open Space	\$59,117.00
2	Table 2A - Existing Stormwater Management Basins	\$148,397.00
3	Table 2B - Pending Stormwater Management Basins	\$2,496.00
4	Section 6 - Marlboro Country Park	\$12,893.00
5	Section 7 - Costco Commuter Lot Islands	\$1,074.00
<b>Total</b>		<b>\$223,977.00</b>
Opt.	Playground Safety Surfacing Material - Price per Cubic Yard	\$65.00

; and

WHEREAS, in a memo dated January 30, 2024, the Director of Public Works has reported that On Site Landscape Management, whose address is P.O. Box 294, Perrineville, NJ 08535, is responsive and has recommended that a contract be awarded, for the PROVISION OF PROPERTY MAINTENANCE SERVICES, in an amount not to exceed \$236,977.00; 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 On Site Landscape Management, whose address is P.O. Box 294, Perrineville, NJ 08535 in an amount not to exceed \$236,977.00 for the PROVISION OF PROPERTY MAINTENANCE SERVICES.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with On Site Landscape Management, whose address is P.O. Box 294, Perrineville, NJ 08535 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$23,697.70 for the aforesaid contract in Current Fund Accounts 01-201-26-122-288310, 01-201-28-123-288102 and 01-201-28-123-292120, Open Space Trust Fund Accounts 21-228-55-059 and 14-228-55-053 and Recreation Utility Operating Account 09-201-55-400-288452.

BE IT FURTHER RESOLVED, that funds for the remaining portion of the contract, in the amount of \$213,297.30 will be certified at the time of the adoption of the 2024 and 2025 municipal budgets.

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

- a. On Site Landscape Management
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2024-064

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE  
PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE  
TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2023 capital program (2023-500-1) authorized various water system improvements including emergency water main repairs; and

WHEREAS, the Township of Marlboro authorized the receipt of bids (2024-04) for the provision of emergency water main repairs for the Township of Marlboro Water Utility Division (the "Services") and on February 7, 2024 received six (6) bids as follows:

	<b>Category I - Labor</b>	<b>Category II - Equipment</b>	<b>Category III - Materials and Other</b>	<b>Category IV - Mobilization/ Demobilization</b>	<b>Total</b>
<b>Precise Construction</b>	62,800.00	16.00	33,000.00	10.00	95,826.00

Crest Construction Group, LLC	187,000.00	1,600.0	30,000.00	10.00	218,610.00
Joseph Jingoli & Son, Inc.	200,000.00	78,000.00	31,500.00	75,000.00	384,500.00
L & L Paving Co., Inc.	338,000.00	75,000.00	34,000.00	20,000.00	467,000.00
Kiely Civil LLC	119,006.00	64,700.00	33,000.00	20,000.00	236,706.00
J. Fletcher Creamer & Son, Inc.	95,800.00	16,400.00	32,500.00	10.00	144,710.00

; and

WHEREAS, the Director of the Department of Public Works has reviewed the bids received and in a memo dated February 7, 2024, recommends that the Contract for the Services be awarded to the lowest bidder, Precise Construction, whose address is 1016 Highway 33, Freehold, NJ 07728, for the total bid price amount not to exceed \$95,826.00 for a term of one year beginning on April 1, 2024 and terminating March 31, 2025, 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; 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 the bid for Emergency Water Main Repairs for the Township of Marlboro Department of Public Works be and is hereby awarded to Precise Construction. whose address is 1016 Highway 33, Freehold, NJ 07728 for a contract amount not to exceed \$95,826.00 for a term of one (1) year beginning on April 1, 2024 and terminating March 31, 2025, 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 the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Precise Construction, whose address is 1016 Highway 33, Freehold, NJ 07728, NJ 08535 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that sufficient funds are available in Water Operating Account # 05-201-55-500-288020 for the Services.

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

- a. Precise Construction
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2024-065

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO FERGUSON ENT.  
LLC FOR THE SUPPLY OF WATER DISTRIBUTION PRODUCTS FOR THE  
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY  
DIVISION

WHEREAS, on February 24, 2022 (Resolution #2022-077) the Township Council of the Township of Marlboro awarded a contract to FERGUSON ENT. LLC FOR THE SUPPLY OF WATER DISTRIBUTION PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION (Bid #2022-01); and

WHEREAS, the bid specifications included the option to renew said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on February 9, 2023 (Resolution #2023-058) the Township Council of the Township of Marlboro approved the first one-year extension of the contract; and

WHEREAS, in a memo dated January 30, 2024, the Director of Public Works has recommended that the Township approve the second and final one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, authorizes a renewal of the contract based upon the same terms and conditions as specified in the bid proposal to Suburban Trails, Inc. whose address is 750 Somerset Street, New Brunswick, NJ 08901 for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT, for a term of one year beginning on March 1, 2024 and terminating February 28, 2025.

BE IT FURTHER RESOLVED, that funds in the amount of \$50,000.00 have been certified by the Chief Financial Officer in Water Utility Operating Account 05-201-55-500-251020, with additional amounts to be certified by the Chief Financial Officer in Water Utility Operating and Water Utility Capital accounts at the time of order as needed.

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

- a. FERGUSON ENT. LLC
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Recreation Director

RESOLUTION #2024-066

A RESOLUTION AUTHORIZING THE REJECTION OF BID FOR THE PROVISION OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized for the acceptance of bids for the PROVISION OF CHEMICALS (Bid 2024-01), and on January 24, 2024, received two (2) proposals as follows:

Contract	Chemical Name	Est. Annual Qty.	Unit	Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727		Main Pool and Chemical Co Inc. 110 Commerce Road Dupont, PA 18641	
1B	Sodium Hypochlorite	25,000	gals.	5.99	149,750.00	3.33	83,250.00
1C	Sodium Hydroxide	75,000	gals.	No Bid	No Bid	2.19	164,250.00

Contract	Swim/Aquatic Center Pool Chemicals	Est. Weekly Qty.	Unit	Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727		Main Pool and Chemical Co Inc. 110 Commerce Road Dupont, PA 18641	
1D-1	Sodium Hypochlorite	950	gal.	7.99	7,590.50	3.33	3,163.50
1D-2	Sodium Bicarbonate	20	bags	45.00	900.00	32.00	640.00
1D-3	Calcium Chloride	20	bags	45.00	900.00	22.00	440.00
1D-4	Sodium Thiosulfate	4	bags	75.00	300.00	30.00	120.00
<b>Est. Weekly Total</b>					9,690.50		4,363.50

; and

WHEREAS, the bid received from Main Pool and Chemical Co. Inc., whose address is 110 Commerce Road, Dupont, PA 18641 failed to include a fully executed statement of corporate ownership; and

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

WHEREAS, in a memo dated January 30, 2024, the Director of Public Works has reported that the bid received from Miracle Chemical Company, whose address is 1151 B Highway 33, Farmingdale, NJ 07727 exceeds the Township's budgeted costs for the PROVISION OF CHEMICALS; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; 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 the bid received for the project titled PROVISION OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (Bid 2024-01) is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to rebid the contract for the PROVISION OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

RESOLUTION #2024-067

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS GODDARD ESTATES, BLOCK 359.01, LOT 26, LOCATED AT 42 VANDERBURG ROAD, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Joseph Malafronte of Vanderburg Development, LLC, for a reduction in the Township held Performance Guarantees in the form of a Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "Vanderburg Development, LLC" (the "Site"), property known as Block 359.01, Lot 26, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Vanderburg Development, 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 January 19, 2024, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated January 19, 2024.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and Cash Deposit posted by the Developer, Vanderburg Development, LLC for the site known as Goddard Estates, located on property known as Block 359.01, Lot 26, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Great Midwest Insurance Company, Bond No. GM204926), in the present amount of \$189,547.45, shall be reduced by \$102,478.25, so that the remaining amount shall be \$87,069.20.
2. The Cash Deposit, in the present amount of \$21,060.83 (excludes accrued interest), shall be reduced by \$11,386.48 so that the remaining amount shall be \$9,674.35.

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

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

- a. Vanderburg Developers, LLC
- b. Great Midwest Insurance Company
- c. Sal Alfieri, Esq.
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis Rainone, Esq., Township Attorney

RESOLUTION #2024-068

RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION RESERVES  
DURING FIRST THREE MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2023 Municipal Budget) as follows:

CURRENT:	Account	From	To
01-203-20-060-101	Engineering Salaries & Wages	\$ 500.00	
01-203-25-104-101	Fire Prevention Salaries & Wages		\$ 500.00
		\$ 500.00	\$ 500.00

RESOLUTION #2024-069

EMERGENCY TEMPORARY APPROPRIATION PRIOR TO  
ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation for the period between the beginning of the current fiscal year and before the adoption of the 2024 municipal budget; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2024 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$29,816,587.52 for the municipal budget, \$9,181,520.36 for the operations of the water utility, and \$1,705,239.44 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2024 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #2024-070

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS 23-FLEET-34933, 17-FLEET-00719 & 17-FLEET-00760 FOR THE PURCHASE OF A FIRE INSPECTION VEHICLE AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO FIRE PREVENTION BUREAU

WHEREAS, the Township of Marlboro as part of its 2023 capital program (2023-104-1 & 2023-104-3) approved the purchase of a fire inspection vehicle and related equipment for the Marlboro Township Fire Prevention Bureau; 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, Nielsen of Morristown, whose address is 200 Ridgedale Ave, Morristown, NJ 07960, was awarded State Contract #23-FLEET-34933 for the 2023 Dodge Durango AWD Pursuit Vehicle with factory options, as identified in the supporting documents and vendor quotation dated February 7, 2024, in the amount of \$39,348.55; and

WHEREAS, option items including all-weather floor mats, window rain guards and window tint, totaling \$715.00 are not included in the base vehicle cost nor the State Contract; and

WHEREAS, quotes were solicited for the \$715.00 of non-contract options where possible, and it has been determined that is both more cost-effective and practical for these items to be obtained through Nielsen of Morristown; and

WHEREAS, General Sales Administration, whose address is 47 N. Dell Avenue, Kenil, NJ 07847, was awarded State Contracts #17-FLEET-00719 and #17-FLEET-00760 for the equipment identified on Schedule A to furnish the requested vehicle, as indicated in the supporting documentation and vendor quotations dated May 3, 2023 in an amount not to exceed \$16,122.73; and

WHEREAS, the Township requires the identified equipment to be installed on the vehicle to make it fully operational for the Bureau's needs; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the vehicle and required equipment for the FIRE PREVENTION BUREAU through State Contracts; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$56,186.28 from Fire Safety Trust Account # 12-228-55-051; and

WHEREAS, the Township Council desires to approve the purchase of the vehicle and related equipment for the FIRE PREVENTION BUREAU as described above.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the vehicle and equipment utilizing State Contracts identified above in a total amount not to exceed \$56,186.28.

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

- a. Nielsen of Morristown
- b. General Sales Administration
- c. Township Administrator
- d. FIRE PREVENTION BUREAU
- e. Chief Financial Officer
- f. Insurance

RESOLUTION #2024-071

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #19-FLEET-00953 TO HERTRICH FLEET SERVICES, INC. FOR THE PURCHASE OF REPLACEMENT DETECTIVE VEHICLES FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2021 and 2023 capital programs authorized the purchase of replacement detective vehicles for the Marlboro Township Division of Police (2021-106-2.8 & 2023-106-2.4); and

WHEREAS, the Township was unable to procure the replacement detective vehicles authorized in 2021 and 2023 due to the lack of availability of passenger vehicles in the marketplace; 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, Hertrich Fleet Services, Inc. was awarded State Contract #19-FLEET-00953 for the 2024 Chevrolet Malibu LS Sedan with factory options, as indicated in the supporting documentation and vendor quotation dated February 2, 2024 in the amount of \$23,963.95 per vehicle; and

WHEREAS, in a memo dated February 2, 2024, the Chief of Police has recommended that the Township purchase two (2) replacement vehicles identified in the capital programs, under State Contract #19-FLEET-00953 for a total amount not to exceed \$47,927.90; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase

the replacement vehicles to be utilized by the Division of Police through the State Contract #19-FLEET-00953; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$47,927.90 from capital accounts # 04-215-20-08A-106297, 04-215-21-11A-106297 and 04-215-22-10A-106297; and

WHEREAS, the Township Council desires to approve the purchase of the replacement detective vehicles through the State Contract #19-FLEET-00953.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicles for the Marlboro Township Division of Police from Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, DE 19963 under the State Contract #19-FLEET-00953 in a total amount not to exceed \$47,927.90.

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

- a. Hertrich Fleet Services, Inc.
- b. Township Business Administrator
- c. Chief of Police
- d. Chief Financial Officer
- e. Insurance

RESOLUTION #2024-072

AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
FY 2024 LOCAL RECREATION IMPROVEMENT GRANT (LRIG)

WHEREAS, Governor Murphy has appropriated \$25 million in the FY2024 budget for the Local Recreation Improvement Grant to support urgent improvement and repairs to public recreation facilities during this time of heightened community need; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro formally approve the grant application for the FY 2024 Local Recreation Improvement Grant (LRIG) program to improve and repair recreation facilities in Township parks.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as FY 2024 Local Recreation Improvement Grant (LRIG) to the New Jersey Department of Community Affairs on behalf of the Township of Marlboro.

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

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

RESOLUTION #2024-073

AUTHORIZING RENEWAL OF A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS TRANSPORTATION SERVICES FOR THE SUMMER CAMP, MARLBORO ALLIANCE AND YOUTH ACADEMY PROGRAMS

WHEREAS, on February 9, 2023 (Resolution #2023-065), the Township authorized a Shared Services Agreement with the Marlboro Township Board of Education (the "Board") for bus transportation services for the Summer Camp, Marlboro Alliance and Youth Police Academy programs; and

WHEREAS, the Township and the Board desire to renew the Shared Services Agreement to provide Transportation Services for Summer Camp programs for the period commencing on or about June 24, 2024 and terminating on or about August 2, 2024; and

WHEREAS, the Township and the Board desire to renew the Shared Services Agreement to provide Transportation Services for Youth Police Academy programs for the period commencing on July 29, 2024 and terminating on or about August 9, 2024; and

WHEREAS, the Township and the Board desire to renew the Shared Services Agreement to provide Transportation Services for Marlboro Alliance programs for the period commencing on January 1, 2024 and terminating on December 31, 2024; and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the costs of the Transportation Services for Summer Camp shall be paid by the Township to the Board as follows:

Transportation to and from trip destinations as determined by the Township Recreation Department, \$410.00 per day, per bus plus the cost of tolls and parking fees for an amount not to exceed \$59,450.00.

WHEREAS, the costs of the Transportation Services for the Marlboro Alliance programs shall be paid by the Township to the Board as follows:

Transportation to and from trip destinations as determined by the Township Recreation Department, \$110.00 per trip, for an amount not to exceed \$1,200.00.

WHEREAS, the costs of the Transportation Services for the Youth Police Academy programs shall be paid by the Township to the Board for an amount not to exceed \$655.00; and

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

WHEREAS, the Shared Services Agreement for the Transportation Services is on file in the Municipal Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds in the amount of \$59,450.00 for the transportation services have been certified by the Chief Financial Officer from the Recreation and Swim Utility Account 09-201-55-400-288480; and

WHEREAS, funds in the amount of \$1,200.00 for the transportation services have been certified by the Chief Financial Officer from the Current Account 01-201-27-134-288286; and

WHEREAS, funds in the amount of \$655.00 for the transportation services have been certified by the Chief Financial Officer from the Current Account 01-201-25-106-288619; and

WHEREAS, the Mayor and Marlboro Township Council desire to renew the Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$61,305.00.

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 Municipal Clerk are hereby authorized and directed to execute and witness, respectively, the Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program, Alliance and the Township Youth Police Academy program for the term and conditions described hereinabove.

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

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

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

- a. Marlboro Township Board of Education
- b. Business Administrator
- c. Director of Recreation
- d. Chief of Police
- e. Chief Financial Officer

RESOLUTION #2024-074

RESOLUTION APPROVING CLOSE OUT AND AUTHORIZING FINAL  
PAYMENT AND ACCEPTANCE FOR THE PURCHASE AND INSTALLATION  
OF REPLACEMENT PLAYGROUND EQUIPMENT FOR THE TOWNSHIP OF  
MARLBORO RECREATION DEPARTMENT

WHEREAS, on July 20, 2023, (Resolution #2023-176), the Township of Marlboro authorized the award of contracts under the Educational Services Commission of NJ (ESCNJ) Contract #20/21-06 to Marturano Recreation Co. in the amount not to exceed \$70,365.00 and under State Contract #16-FLEET-00131 to Rubberecycle in the amount of \$29,425.73 for the purchase and installation of replacement playground equipment and rubber mulch at Woodcliff Park ("Project"); and

WHEREAS, funds for the project were previously certified as available by the Chief Financial Officer in the amount not to exceed \$99,790.73 in Capital Accounts #04-215-20-05G-145288.

WHEREAS, the playground equipment and rubber mulch were installed and completed at Woodcliff Park; and

WHEREAS, upon completion of the installation the Township received a Certification of Compliance covering the playground components sold on Order #3206308 certifying that the products identified comply with all rules, bans, standards of regulations applicable to the product under the "Consumer Product Safety Improvement Act of 2008", Sections 101, 102, 103 and 108; and

WHEREAS, in a communication dated January 10, 2024, GameTime has further confirmed that the installation of the playground equipment at Woodcliff Park was performed by certified installers per the manufacturer's specifications, which meet or exceed Consumer Product Safety Commission (CPSC) and ASTM International (formerly known as American Society for Testing and Materials) guidelines, certified by the International Play Equipment Manufacturers Association (IPEMA); and

WHEREAS, the Township has received a copy of the applicable playground equipment warranty and certificates of insurance; and

WHEREAS, the Director of Recreation has recommended acceptance of the project improvements and the issuance of the final payment in the amount of \$70,365.00 to Marturano Recreation Co. and payment of \$29,425.73 to Rubberecycle, LLC; and

WHEREAS, the Township Council is in agreement with the recommendation as presented.

BE IT FURTHER RESOLVED, that the improvements be and are hereby accepted for the Project, and that final payment in the amount of \$70,365.00 be made to Marturano Recreation Co., P.O. Box 106, Spring Lake, New Jersey 07762 and payment of \$29,425.73 to Rubberecycle, LLC, 1985 Rutgers University Boulevard, Lakewood, New Jersey 08701.

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

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

RESOLUTION #2024-075

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO SUBURBAN TRAILS, INC. FOR COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, on April 28, 2022 (Resolution #2022-113) the Township Council of the Township of Marlboro awarded a contract to SUBURBAN TRAILS, INC. FOR COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT (Bid #2022-02); and

WHEREAS, the bid specifications included the option to renew said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on February 9, 2023 (Resolution #2023-064) the Township Council of the Township of Marlboro approved the first one-year extension of the contract; and

WHEREAS, in a memo dated January 10, 2024, the Director of Recreation has recommended that the Township approve the second and final one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, authorizes a renewal of the contract based upon the same terms and conditions as specified in the bid proposal to Suburban Trails, Inc. whose address is 750 Somerset Street, New Brunswick, NJ 08901 for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT, for a term of one year beginning on March 1, 2024 and terminating February 28, 2025, for an amount not to exceed \$132,200.00.

BE IT FURTHER RESOLVED, that funds in the amount of \$132,200.00 will be certified by the Chief Financial Officer in Recreation and Swim Utility account #09-201-55-400-288485 and Current account #01-201-28-145-288471 as trips and participation levels are finalized and upon adoption of the 2024 Current Fund and Recreation and Swim Utility Budgets.

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

- a. Suburban Trails, Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Recreation Director

RESOLUTION #2024-076

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE ENGAGEMENT OF AN ON-LINE PURCHASING AGENT AND AUTHORIZING INTERNET-BASED AUCTIONS AND EXECUTION OF AGREEMENTS FOR THE SALE OF SOLAR RENEWABLE ENERGY CREDITS (SRECS)

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had a contract for the sale of solar renewable energy credits (SRECs) which expired on May 31, 2011; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including SRECs; and

WHEREAS, the Township has previously solicited proposals from three of the vendors authorized by the State of New Jersey to conduct internet-based auctions of S-RECs; and

WHEREAS, since 2012, the Township Council has authorized the engagement of Marex Spectron, an on-line purchasing agent approved by the State of New Jersey to conduct internet-based auctions for the sale of SRECs generated or anticipated to be generated, at a reasonable sum of \$3.00 per SREC; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line auction services for the sale of SRECs; and

WHEREAS, the Department of Public Works, Water Utility Division continues to recommend the selection of Marex Spectron to serve as Marlboro Township's on-line purchasing agent in accordance with its proposal.

WHEREAS, the Department of Public Works, Water Utility Division routinely monitors market conditions and advises that a contract for the sale of SRECs to be generated between June 1, 2023 and May 31, 2025 (Energy Years 2024 and 2025) may be beneficial at this time.

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

Section 1. The participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform.

Section 2. The Township is hereby authorized to enter into an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as an on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's planned sale of SRECs.

Section 3. The engagement of Marex Spectron, shall be effected through the execution of an Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30).

BE IT FURTHER RESOLVED, that

Section 1. The Mayor, or his designee, is hereby authorized to conduct internet-based auctions through Marex Spectron as follows:

Option 1: Sale of SRECs Generated (approximately 640) and Anticipated to be Generated between June 1, 2023 and May 31, 2025 (Energy Years 2024 and 2025)

Option 2: Sale of SRECs Generated (approximately 640) and Anticipated to be Generated between June 1, 2023 and May 31, 2024 (Energy Year 2024)

Option 3: Sale of SRECs Anticipated to be Generated between June 1, 2024 and May 31, 2025 (Energy Year 2025)

Option 4: Sale of SRECs Generated (approximately 640) between June 1, 2023 and May 31, 2024 (Energy Year 2024)

; and

Section 2. Funds in the amount of \$3,000.00 for the sale of 900 SRECs have been certified by the Chief Financial Officer in Water Utility Operating account # 05-201-55-500-268030; and

Section 3. The Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney with the responsible bidder(s) which offer(s) the highest per credit price for the option deemed to be in the best interest of the Township resulting from the aforementioned internet-based auction for the sale of SRECs, provided the bid accepted offers a per SREC price equal to or higher than \$205.00; and

Section 4. The Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

Section 5. A certified true copy of this Resolution shall be provided to each of the following:

- a. Marlboro Township Administrator
- b. Marlboro Township Chief Financial Officer
- c. Marlboro Township Director of Public Works
- d. Marex Spectron
- e. NJ Division of Local Government Services

RESOLUTION #2024-077

A RESOLUTION AUTHORIZING THE CANCELLATION OF  
CERTAIN TAXES ON EXEMPT PROPERTY

WHEREAS, the property located at 40 Moore Road, designated as Block 420 Lot 24 on the Marlboro Township Tax Map was granted a veteran exemption in 2022 and should be exempt from property taxes; and

WHEREAS, the property was coded incorrectly in the tax assessment software, resulting in an added assessment for 2023 being billed on this property in the amount of \$198.66; and

WHEREAS, the Township Tax Assessor has requested that the 2023 taxes be cancelled and, the Township Tax Collector has therefore recommended that taxes in the amount of \$198.66 be cancelled being that the property is tax exempt.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey to cancel the 2023 taxes in the amount of \$198.66.

RESOLUTION #2024-078

REFUND OF TAX OVERPAYMENTS

WHEREAS, the attached list in the amount of \$14,923.90 known as Schedule "A", is comprised of amounts representing overpayments for taxes,

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

SCHEDULE A

<b>BLOCK/LOT</b>	<b>PROPERTY INFORMATION</b>	<b>AMOUNT</b>
415/21.31	87 S. Main St	\$14,923.90
		<b>\$14,923.90</b>

At 8:27 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Councilwoman Viridi, and there was no objection. The municipal clerk was asked to cast one ballot.

MINUTES APPROVED: FEBRUARY 29, 2024

OFFERED BY: SCALEA

AYES: 4

SECONDED BY: VIRIDI

NAYS: 0

ABSENT: MILMAN

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
022924

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ANTOINETTE M. DINUZZO,  
COUNCIL PRESIDENT