

MARLBORO TOWNSHIP COUNCIL MEETING

April 22, 2021

The Marlboro Township Council held its regularly scheduled meeting remotely on April 22, 2021 at 7:00 P.M.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on April 19, 2021; published in the Asbury Park Press on January 16, 2021; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Municipal Clerk called the Roll.

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

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

Councilman Scalea moved that the Council meeting minutes of March 18, 2021 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2021-158/Ordinance #2021-013 (Amending Section 138-45 "Schedule VIII: Stop Intersections" for the Installation of Four Way Stops at the Intersections of Texas Road and Greenwood Road and Texas Road and Falson Lane/Wooleytown Road). Councilwoman Marder offered a motion to table the second reading of Ordinance #2021-013 to the June 17, 2021 council meeting, seconded by Councilwoman Mazzola was passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2021-159/Ordinance #2021-014 (Amending Section 138-35 Entitled "Applicability of Title 39, Subtitle 1, to Certain Premises" of the Marlboro Township Code to Revise Certain Language Solely Applicable to the Requirements for Applicability of Title 39) was introduced by reference, offered by Council Vice President Metzger, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-159

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

ORDINANCE #2021-014

AN ORDINANCE AMENDING CHAPTER 138 "VEHICLES AND TRAFFIC", SECTION 35 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "APPLICABILITY OF TITLE 39, SUBTITLE 1, TO CERTAIN PREMISES"

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

BE IT FURTHER RESOLVED, that the same be considered for final passage during a remotely held public meeting on May 6, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-014

AN ORDINANCE AMENDING CHAPTER 138 "VEHICLES AND TRAFFIC", SECTION 35 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "APPLICABILITY OF TITLE 39, SUBTITLE 1, TO CERTAIN PREMISES"

BE IT ORDAINED, by the Township Council of the Township of Marlboro that Chapter 138 "Vehicles and Traffic", Section 35 of the Code of the Township of Marlboro is hereby amended and supplemented as follows:

§ 138-35 Applicability of Title 39, Subtitle 1, to certain premises.

In accordance with N.J.S.A. 39:5A-1 et seq., written requests having been filed with the Township pursuant thereto, the provisions of Title 39, Subtitle 1, of the New Jersey Revised Statutes are hereby applied to the semipublic or private roads and parking areas of the following described premises:

U. Camelot West

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

The following Resolution #2021-160 (Adoption of the 2021 Municipal Budget) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2021-160

RESOLUTION AUTHORIZING THE ADOPTION OF THE
2021 MUNICIPAL BUDGET

WHEREAS, the 2021 Township of Marlboro Municipal Budget was introduced on March 4, 2021; and

WHEREAS, the required public hearing was scheduled and held on April 22, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby adopts the 2021 Township of Marlboro Municipal Budget.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor. Council President Cantor abstained.

RESOLUTION #2021-161

AMENDING RESOLUTION #2021-096 CONFIRMING EMERGENCY
CONTRACTS AND PAYMENTS FOR GOODS AND SERVICES REQUIRED IN
RESPONSE TO THE WINTER STORM STATE OF EMERGENCY
DECLARATIONS BY THE GOVERNOR OF DECEMBER 16, 2020 and
JANUARY 31, 2021 PURSUANT TO N.J.S.A. 40A:11-6 FOR THE
TOWNSHIP OF MARLBORO

WHEREAS, on December 16, 2020, New Jersey Governor Phil Murphy declared a State of Emergency in anticipation of Winter Storm Gail; and

WHEREAS, on January 31, 2021, New Jersey Governor Phil Murphy declared a State of Emergency in anticipation of Winter Storm Orlena; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ...

awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the winter storms posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township employed the services of existing contract vendors or those holding state or cooperative contracts to provide the necessary goods and services related to the storm responses (EM #20-46 and EM #21-06); and

WHEREAS, the Township Council adopted Resolution #2021-096 confirming emergency contracts associated with the Winter Storm Events totaling \$400,710.00; and

WHEREAS, an amendment is required to Resolution #2021-096 in order to reflect an additional emergency contract for snow removal at Township commuter parking facilities as depicted in SCHEDULE A; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$43,000.00 from Current Account #01-201-26-119-288105.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that various emergency contracts as depicted in SCHEDULE A be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the December 16, 2020 and January 31, 2021 State of Emergency declarations for Winter Storms Gail and Orlena.

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

RESOLUTION #2021-162

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL
AUTHORIZING A DISCHARGE OF A MORTGAGE DATED MARCH 17,
2011, WHICH WAS GIVEN TO MARLBORO TOWNSHIP AND RECORDED
AGAINST A RESIDENTIAL PROPERTY LOCATED AT 11 PRESCOTT
DRIVE, MARLBORO, NEW JERSEY, WHICH IS OWNED BY GAETANO
IGNARRA AND PAULA IGNARRA

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which was administered in accordance with the New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and the administrative rules of the Council on Affordable Housing; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents in The Township of Marlboro; and

WHEREAS, as a condition of the rehabilitation program residents who were offered financial assistance must have retained ownership of their units for a period of ten (10) years as well as satisfy other conditions and if they have done so the financial assistance (which is in the form of a forgivable loan), would be discharged and forgiven; and

WHEREAS, Gaetano Ignarra and Paula Ignarra took title to a certain residential premises by means of a deed dated December 13, 2008, and recorded in the Monmouth County Clerk's Office on December 16, 2008, in Deed Book OR-8750; Pages 221-225; and

WHEREAS, the address of the aforesaid property is commonly known as 11 Prescott Drive, Marlboro, New Jersey (hereinafter "the Property"); and

WHEREAS, Gaetano Ignarra and Paula Ignarra had made application for rehabilitation assistance for the Property and they were granted such assistance and repairs and/or improvements were made to the Property as a consequence of participating in the foregoing rehabilitation program; and

WHEREAS, the purpose of the foregoing rehabilitation services and funding was to correct defects at the Premises and to bring said home up to applicable code standards; and

WHEREAS, the Township of Marlboro had financed the foregoing improvements to the Property in furtherance of the foregoing rehabilitation project; and

WHEREAS, proof and receipt of the foregoing financing and forgivable loan was evidenced by a mortgage given to the Township of Marlboro which was dated March 17, 2011, with said mortgage being recording in the Monmouth County Clerk's Office on July 5, 2011, in deed book OR-8897, at page 3182 (hereinafter "the Marlboro Mortgage"); and

WHEREAS, the amount secured under the Marlboro Mortgage became forgivable ten (10) years from March 17, 2011, and, if the Gaetano Ignarra and Paula Ignarra had continued to own and maintain the Premises beyond March 17, 2021; and

WHEREAS, Gaetano Ignarra and Paula Ignarra have owned the Property in fee simple beyond March 17, 2021, in addition to satisfying all the other conditions which make them eligible to have the Mortgage now discharged; and

WHEREAS, the Marlboro Township Town Council finds that there is good cause for the discharge of the Marlboro Mortgage based on the foregoing;

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of the Marlboro Mortgage;

BE IT FURTHER RESOLVED, that subsequent to Mayor Hornik's signature of said discharge of the Marlboro Mortgage against the Property that the discharge will be recorded in the Monmouth County Clerk's Office.

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

- a. Mayor Jonathan L. Hornik;
- b. Township Business Administrator, Jonathan Capp;
- c. Township Attorney, Rainone, Coughlin & Minchello;
- d. Kenneth W. Biedzinski, Affordable Housing Special Counsel.

RESOLUTION #2021-163

RESOLUTION EXPRESSING SUPPORT FOR UTILIZATION OF INDEPENDENT
PHARMACIES TO ADMINISTER COVID-19

WHEREAS, there exist over 800 independent pharmacies in the State of New Jersey, with the Township of Marlboro having three independent pharmacies within its borders; and

WHEREAS, the New Jersey Department of Health approved independent pharmacies to administer the COVID-19 vaccine, but they have not received any such allocations; and

WHEREAS, the Mayor and Township Council believe it would be prudent for independent pharmacies to be utilized in the effort of distributing the COVID-19 vaccine to residents in Marlboro and across New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro in the County of Monmouth, State of New Jersey that it hereby urges the New Jersey Department of Health to allocate COVID-19 vaccine to independent pharmacies in the effort to vaccinate our communities as quickly and equitably as possible.

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

- a. Governor Phil Murphy
- b. Commissioner Judith Persichilli

RESOLUTION 2021-164

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and
Conviction Records in Employment Decisions Under Title
VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Municipal Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

RESOLUTION #2021-165

AUTHORIZING APPLICATION TO THE NEW JERSEY STATE LIBRARY
FOR NEW JERSEY LIBRARY CONSTRUCTION BOND ACT FUNDING
(ROUND II)

WHEREAS, on November 7, 2017, New Jersey voters On November 7, 2017, New Jersey voters approved the New Jersey Library Construction Bond Act (the "Bond Act"), which authorizes the issuance of \$125 million in State General Obligation Bonds ("Bonds") to provide grants ("Grants") for the construction, reconstruction, development, extension, improvement and furnishing of public libraries in the State of New Jersey (the "State"); and

WHEREAS, the Bond Act requires that proceeds from the Bonds can fund no more than fifty percent (50%) of the cost of the project and the remaining fifty percent (50%) must be supported by the appropriate local governing entity in the area served by the public library; and

WHEREAS, in 2020, the Township applied to the State Librarian for Bond Act funding in order to make the critical capital improvements to the Marlboro Library Branch (R.2020-102); and

WHEREAS, the Township did not receive a funding award in the first round; and

WHEREAS, the Marlboro Branch of the Monmouth County Library System is a Township-owned facility originally constructed on Township property in 1974; and

WHEREAS, the Township's six year capital plan calls for various repair and rehabilitation projects at the library facility including ADA restroom, electric, roof, HVAC and parking lot improvements ("improvements"); and

WHEREAS, the Township has a history and continued practice of leveraging local capital dollars to bring in outside funding to offset the cost of critical projects; and

WHEREAS, the improvements are of a critical nature and required in order to continue to operate a library in Marlboro; and

WHEREAS, the improvements have the added benefit of providing for ADA accessibility, emergency sheltering in the event of power outages and expanding technological services; and

WHEREAS, the Township wishes to apply to the State Librarian under the second round of Bond Act authorizations in order to make the critical capital improvements to the Marlboro Library Branch; and

WHEREAS, the total estimated cost of the improvements to be applied for is \$2,300,000, which if granted requires local matching funds of \$1,150,000.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Marlboro Township hereby authorizes the electronic submission of a grant application to the State Librarian for New Jersey Library Construction Bond Act (Round II) funding.

BE IT FURTHER RESOLVED, the Mayor and Municipal Clerk are hereby authorized to accept the terms of the program and execute a grant agreement on behalf of the Township of Marlboro.

RESOLUTION #2021-166

AMENDING RESOLUTION #2021-154 AWARDED CONTRACTS TO MIRACLE CHEMICAL CO., GEORGE S. COYNE CHEMICAL CO. INC. AND MAIN POOL & CHEMICAL CO. INC. FOR THE SUPPLY OF SPECIFIED CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids (2021-06) for the Supply of Chemicals for the Township of Marlboro Water Utility Division and Recreation and Swim Utility, and on March 10, 2021 received four (4) bids; and

WHEREAS, the bid specifications indicated that the Township reserved the right to award each item separately to the lowest responsible bidder meeting the specifications; and

WHEREAS, the four (4) bids and one received were as follows:

Company	Contract 1A Zinc Orthophosphate	Contract 1B Sodium Hypochlorite	Contract 1C Sodium Hydroxide
Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727	No Bid	120,240.00	No Bid
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641	No bid	123,300.00	147,500.00
George S.Coyne Chemical Co. Inc 3015 State Road Croydon, PA 19021	71,757.00	175,644.00	234,037.50
Shannon Chemical Corporation Post Office Box 376 Malvern, PA 19355	75,330.00	No bid	342,500.00

Company	Contract 1D Swimming Pool Chemicals			
	Sodium Hypochlorite	Sodium Bicarbonate	Calcium Chloride	Sodium Thiosulfate
Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727	1.336/ gallon	\$28.25/ bag	\$25.25/ bag	\$49.99/ bag
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641	1.37/ gallon	\$21.00/ bag	\$18.75/ bag	\$38.50/ bag
George S.Coyne Chemical Co. Inc. 3015 State Road Croydon, PA 19021	No bid	No bid	No bid	No bid
Shannon Chemical Corporation Post Office Box 376 Malvern, PA 19355	No bid	No bid	No bid	No bid

and;

WHEREAS, the Township Administration, the Director of Public Works and the Recreation Director have reviewed said bids received and have recommended that a split award be made; and

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works recommends that George S. Coyne Chemical Co. Inc. be awarded Contract 1A (Water Utility Division) for the following items as the lowest responsible bidder for same:

Type	Quantity:	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
Contract 1A Zinc Orthophosphate	90,000 lbs	.7973/lb.	71,757.00

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works further recommends that Miracle Chemical Co. be awarded Contract 1B (Water Utility Division) for the following items as the lowest responsible bidder for same:

Type	Quantity	Unit Price (\$)	Total Price (\$) NOT TO EXCEED
Contract 1B Sodium Hypochlorite	90,000 gallons	1.336/ gallon	120,240.00

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works further recommends that Main Pool & Chemical Co. Inc. be awarded Contract 1C (Water Utility Division) for the following items as the lowest responsible bidder for same:

Type	Quantity	Unit Price	Total Price (\$) NOT TO EXCEED
Contract 1C Sodium Hydroxide	125,000 gallons	1.18/ gallon	147,500.00

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works further recommends that Main Pool & Chemical Co. Inc. be awarded Contract 1D (Recreation and Swim Utility) for the following items as the lowest responsible bidder for same:

Type	Quantity (per week)	Unit Price (\$)	Total Price (\$)	NOT TO EXCEED (16 weeks)
Sodium Hypochlorite	750 gallons	1.37/gal.	1,027.50	16,440.00
1D-2, Sodium Bicarbonate	10 bags	21.00/bag	210.00	3,360.00
1D-3, Calcium Chloride	10 bags	18.75/bag	187.50	3,000.00
1D-4, Sodium Thiosulfate	2 bags	38.50/bag	77.00	1,232.00
NOT TO EXCEED - TOTAL PRICE				24,032.00

WHEREAS, the Chief Financial Officer has certified that funds for the 2021 portion of the contracts in the amount of \$254,622.75 are available in the Water Utility Account #05-201-55-500-293020 and funds in the amount of \$24,032.00 for the full 2021 summer season are available in Recreation Utility Accounts #09-201-55-400-293452 & 09-201-55-400-293451; and

WHEREAS, funds for the 2022 portion of each contract in the total amount of \$84,874.25 will be certified by the Chief Financial Officer for this purpose upon adoption of the 2022 Municipal Budget; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1A (Water Utility Division) be awarded to George S. Coyne Chemical Co. Inc. whose address is 3015 State Road, Croydon, PA 19021 for the Supply of Zinc Orthophosphate for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$71,757.00 and for a term of one (1) year beginning on April 1, 2021 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, by the Township Council of the Township of Marlboro, that Contract 1B (Water Utility Division) be awarded to Miracle Chemical Co. whose address is 1151B Highway 33 Farmingdale, NJ 07727 for the Supply of Sodium Hypochlorite for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$120,240.00 and for a term of one (1) year beginning on April 1, 2021 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, by the Township Council of the Township of Marlboro, that a Contract 1C (Water Utility Division) be awarded to Main Pool & Chemical Co. Inc. whose address is 110 Commerce Road, Dupont, PA 18641 for the Supply of Sodium Hydroxide for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$147,500.00 and for a term of one (1) year beginning on April 1, 2021 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, by the Township Council of the Township of Marlboro, that Contract 1D (Recreation and Swim Utility) be awarded to Main Pool & Chemical Co. Inc. whose address is 110 Commerce Road, Dupont, PA 18641 for the Supply of and Sodium Hydroxide, for the Township of Marlboro Water Utility Division, and for the supply of Sodium Hypochlorite, Sodium Bicarbonate, Calcium Chloride, and Sodium Thiosulfate for the Township of Marlboro Recreation and Swim Utility, for a contract amount not to exceed \$24,032.00 and for a term of one (1) year beginning on April 1, 2021

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, Contracts with MIRACLE CHEMICAL CO., GEORGE S. COYNE CHEMICAL CO. INC. AND MAIN POOL & CHEMICAL CO. INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

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

- a. Miracle Chemical Co.
- b. Main Pool & Chemical Co. Inc.
- c. George S. Coyne Chemical Co. Inc.
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Director of Public Works
- g. Township Recreation Director

RESOLUTION #2021-167

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MECO, INC. FOR THE 2020 ROADWAY AND DRAINAGE IMPROVEMENT PROGRAM

WHEREAS, the Township of Marlboro as part of its 2020 and 2021 capital programs (20-060-01, 24.1 and 24.2 and 21-060-01) authorized various road and drainage improvements ("Project"); and

WHEREAS, the Township of Marlboro authorized the receipt of bids (#2021-12) for 2020 ROADWAY AND DRAINAGE IMPROVEMENT PROGRAM and on April 14, 2021 received seven (7) bids therefore; and

WHEREAS, the seven (7) bids received are summarized as follows:

	BASE BID	OPTION A Lisa Ln	OPTION B Devonshire Dr	OPTION C Ardsley Pl	Total
Meco Inc.	1,771,621.50	65,334.25	121,759.00	68,638.75	2,027,353.50
S&G Paving Inc.	1,940,667.60	73,535.99	136,656.08	81,139.34	2,231,999.01
Earle Asphalt Company	2,010,713.13	75,800.00	128,800.00	73,900.00	2,289,213.13
CCM Contracting Inc.	2,012,990.50	69,910.06	137,369.05	76,062.06	2,296,331.67
P&A Construction Inc.	1,984,666.30	80,045.30	147,283.95	85,087.55	2,297,083.10

Black Rock Enterprises, LLC	2,061,481.90	87,077.30	142,681.25	93,759.55	2,385,000.00
Fernandes Construction Inc.	2,126,198.60	78,376.55	146,138.45	81,945.30	2,432,658.90

WHEREAS, the Township Engineer has reviewed the bids received and in a memo dated April 15, 2021, recommends that the Base Bid Plus Bid Options A, B and C for 2020 ROADWAY AND DRAINAGE IMPROVEMENT PROGRAM be awarded to MECO, Inc. as the lowest bidder, whose address is P.O. Box 536, Clarksburg, New Jersey 08510, for the total bid price amount not to exceed \$2,027,353.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Account Numbers 04-215-20-05C-060288, 04-215-19-01D-060288, 04-215-18-01C-060288, 04-215-17-02D-060288, 04-215-16-02B-060288, 04-215-15-02D-060288, 04-215-14-03B-060288, 04-215-13-08D-120288 and 04-215-12-08F-120288 for the Project; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for 2020 ROADWAY AND DRAINAGE IMPROVEMENT PROGRAM for the Township of Marlboro Department of Public Works be and is hereby awarded to Meco, Inc. for a contract amount not to exceed \$2,027,353.50; and

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

- a. Meco Inc.
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Engineer
- e. Township Chief Financial Officer

RESOLUTION #2021-168

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE WATER SYSTEM IMPROVEMENTS AT CAMELOT WEST AT MARLBORO LLC, BLOCK 150, LOTS 2, 3, AND 4, LOCATED AT JAKOB ROAD, MORGANVILLE NJ 07751

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Liza A. Glazner, Kaplan Companies, for the release of the Township held Performance Guarantees in the form of a Bond and cash deposit for the water system improvements ("Water System Improvements") on the Site known as "Camelot West" (the "Site"), property known as Block 150, Lots 2, 3, and 4, on the Official Tax Maps of the Township of Marlboro,

Monmouth County, State of New Jersey, posted by Camelot West at Marlboro, 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 March 29, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current 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 guarantee Bond and cash deposit amounts in their entirety in accordance with the recommendation of the Township Engineer's report dated March 29, 2021.

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, Camelot West at Marlboro, LLC, for the site known as Camelot West located on property known as Block 150, Lot 2, 3, and 4, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (First Indemnity of America Insurance Company, Bond No. FP0023338), in the original and present amount of \$486,247.80, shall be released in its entirety; and
2. The Cash Deposit, in the original and present amount of \$54,027.48 (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 fee charges to the time of the performance guarantee release, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$67,534.35; and

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

- a. Camelot West at Marlboro, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer

- e. Township Engineer
- f. Louis Rainone, Esq., Township Attorney
- g. Kurt Eifert, PE, Township Water Division

RESOLUTION #2021-169

RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION
OF MAY 24 THROUGH JUNE 6, 2021

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that more than 14,500 lives were saved by seat belt usage nationally in the year 2020; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 24 through June 6, 2021 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94.47% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 24 through June 6, 2021 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION #2020-170

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF
LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST
BY RIDER FOR DONATIONS TO THE POLICE EXPLORER PROGRAM
PURSUANT TO NJSA 40A:5-29

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Police Explorers Donations.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION #2021-171

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY
TO THE STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL
SFY21 BODY-WORN CAMERA
GRANT PROGRAM

WHEREAS, the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG) received funds from the SFY21 Budget to administer the Body-Worn Camera (BWC) Grant Program; and

WHEREAS, a total of \$57,500,000 of the budget will be awarded to participating law enforcement agencies, for use by December 31, 2025; and

WHEREAS, under the BWC Grant Program, law enforcement agencies are eligible to receive grant funding for the purchase of body-worn cameras and related expenses; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs of implementing its body-worn camera program.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL for funding under the SFY21 BODY WORN CAMERA PROGRAM.

BE IT FURTHER RESOLVED, and that the Mayor and Township Clerk are hereby authorized to execute any and all agreements to secure such funding under the SFY21 BODY WORN CAMERA PROGRAM.

RESOLUTION #2021-172

RESOLUTION AUTHORIZING CONTRACTED PROGRAMMING FOR VARIOUS SENIOR AND USER FEE-BASED PROGRAMS FOR MARLBORO DEPARTMENT OF RECREATION

WHEREAS, in order to provide the widest variety of programmatic activities to residents, the Department of Recreation will from time to time enter into agreements for youth soccer training, youth tennis instruction, youth basketball leagues, art instruction, yoga, mindfulness meditation, tai chi, cardio and strength and zumba, which, with the exception of senior programming, are supported by user fees; and

WHEREAS, Section 265-2(M) of the Code of the Township of Marlboro allows for the Department of Recreation to establish a program fee of up to 30% above the contracted rate for administration including program registration, overhead and supplies; and

WHEREAS, in light of the ongoing public health emergency and in lieu of offering bus trips to various destinations, the Department is delivering alternative programming through the use of outside contractors requiring individual administration and training experience instructing children and senior adult populations, which ensure the safety of participants and adherence to all State, County and Local regulations concerning COVID-19 ("services"); and

WHEREAS, such services constitute "Extraordinary unspecifiable services" pursuant to N.J.S.A. 40A:11-5 (ii) which are those "specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor"; and

WHEREAS, user fees are collected to offset the cost of all but the senior contracted programs, the total value of which to be provided for in 2021 are estimated at and shall not exceed \$100,000.00 in the aggregate, based upon both actual and projected registration, as represented in Attachment A; and

WHEREAS, funds will be certified at the time final registration accounts become available Current Fund Accounts 01-201-28-145-288475 and Recreation and Swim Utility Accounts 09-201-55-400-288409 and 09-201-55-400-288410.

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 Business Administrator to enter into agreements for user fee-based and senior programming for the services described above.

BE IT FURTHER RESOLVED, program changes based upon updates to in enrollment or schedules occur which do not result in an increased expenditure may be adopted administratively.

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

- a. Township Business Administrator
- b. Township Chief Financial Officer
- d. Township Recreation Director

RESOLUTION # 2021-173

RESOLUTION AUTHORIZING AWARD OF EDUCATIONAL SERVICES
COMMISSION OF NJ (ESCNJ) CONTRACT #20/21-06 TO MARTURANO
RECREATION CO. AND EDUCATIONAL SERVICES COMMISSION OF NJ
(ESCNJ) CONTRACT #20/21-02 TO RUBBERCYCLE, LLC FOR THE
PURCHASE AND INSTALLATION OF REPLACEMENT PLAYGROUND
EQUIPMENT AT WICKER PARK, MARLIN PARK AND NOLAN PARK FOR
THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2020 and 2021 capital programs authorized the replacement of playground equipment at Wicker, Marlin and Nolan Parks (Projects 21-145-27, 21-145-28, 21-145-9 and 20-145-49); and

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

WHEREAS, MARTURANO RECREATION CO. was awarded ESCNJ Cooperative Contract #20/21-06 for Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment and Related Products in an amount not to exceed \$247,197.08 per the attached quotation provided; and

WHEREAS, RUBBERCYCLE, LLC was awarded ESCNJ Cooperative Contract #20/21-02 for Playground Surfacing Materials, Installation and Inspections in an amount not to exceed \$49,605.20 per the attached quotation provided; and

WHEREAS, MARTURANO RECREATION CO. and RUBBERCYCLE, LLC have agreed to extend ESCNJ Cooperative Contract pricing to the Township of Marlboro; and

WHEREAS, the Recreation Department has recommended that the Township purchase replacement playground equipment from MARTURANO RECREATION CO., Brook 35 Park, 2130 Route 35 Building B, Suite 222, Sea Girt, New Jersey 08750 under #ESCNJ 20/21-06, and RUBBERCYCLE, LLC, 1985 Rutgers University Boulevard, Lakewood, NJ 08701 under #ESCNJ 20/21-02 for a combined amount not to exceed \$296,802.28; 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 Police Department to obtain said playground equipment from MARTURANO RECREATION CO. and RUBBERCYCLE, LLC; and

WHEREAS, funds are available in Capital Accounts #04-215-21-04L and #04-215-20-05G for a combined amount not to exceed \$296,802.28 which have been certified to by the Chief Financial Officer of the Township of Marlboro; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement playground equipment from MARTURANO RECREATION CO., Brook 35 Park, 2130 Route 35 Building B, Suite 222, Sea Girt, New Jersey 08750 under #ESCNJ 20/21-06 in an amount not to exceed \$247,197.08; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement playground equipment from RUBBERCYCLE, LLC, 1985 Rutgers University Boulevard, Lakewood, NJ 08701 under #ESCNJ 20/21-02 in an amount not to exceed \$49,605.20; and

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

- a. MARTURANO RECREATION CO.
- b. RUBBERCYCLE, LLC
- c. Township Administration
- d. Township Recreation Director
- e. Township Chief Financial Officer

RESOLUTION #2021-174

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

WHEREAS, as part of its capital improvement program the Township of Marlboro authorized various improvements to recreation facilities including the following ("Projects"); and

Nolan Road Park
2020-145-49
2020-145-50
2020-145-51.1
2020-145-51.2
2020-145-51.3

Recreation Way Park
2020-145-5.1
2020-145-55
2020-145-65

H&L Soccer Fields
2021-145-08

WHEREAS, the Township applied for and received a total of \$345,000 in grant awards from the Monmouth County Open Space Trust Fund (#14-13 and #19-03) for the improvements to Nolan Road Park; and

WHEREAS, the Township is in need of professional engineering services in connection with the Projects ("Professional Services"); and

WHEREAS, CME Associates has provided a proposal dated April 12, 2021 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project by way of its Township Engineers at a fee not to exceed \$81,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$81,000.00 are available in Capital Accounts 04-215-20-05G-145288 and 04-215-21-04L-145288 for this purpose; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include Professional Services in connection with various Recreation Facility improvements by way of its Township Engineers, at a fee not to exceed \$81,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 12, 2021, be and is hereby authorized.

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$81,000.00 for such additional Professional Services for the Project as described in the Proposal.

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk.

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

- a. CME Associates
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works
- e. Township Director of Recreation

RESOLUTION #2021-175

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$29,258.90 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 \$29,258.90 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>
2016-011	120.02/14	Community Capital Investments 20151 SW Birch St., Ste 200 Newport Beach, CA 92660 Assessed Owner: Brienza, Robert V & Carol	7,939.83
2020-005	119/31.02	Bala Partners, LLC PO Box 303 Pottersville, NJ 07979 Assessed Owner: Falson Ln Development, LLC	21,319.07

RESOLUTION #2021-176

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE
TENNENT ROAD CONNECTION/ WATER SYSTEM IMPROVEMENTS AT CAMELOT WEST
AT MARLBORO LLC, BLOCK 150, LOTS 2, 3, AND 4,
LOCATED AT TENNENT ROAD, MORGANVILLE NJ 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Liza A. Glazner, Kaplan Companies, for the release of the Township held Performance Guarantees in the form of a Bond and cash deposit for the Tennent Road connection/ water system improvements ("Water System Improvements") on the Site known as "Camelot West" (the "Site"), property known as Block 150, Lots 2, 3, and 4, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Camelot West at Marlboro, 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 April 5, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current 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 guarantee Bond and cash deposit amounts in their entirety in accordance with the recommendation of the Township Engineer's report dated April 5, 2021.

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, Camelot West at Marlboro, LLC, for the site known as Camelot West located on property known as Block 150, Lot 2, 3, and 4, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (First Indemnity of America Insurance Company, Bond No. FP0023016), in the original and present amount of \$25,556.04, shall be released in its entirety; and
2. The Cash Deposit, check no. 14435 in the original and present amount of \$2,839.56

(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 fee charges to the time of the performance guarantee release, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$3,549.45; and

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

- a. Camelot West at Marlboro, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis Rainone, Esq., Township Attorney
- g. Kurt Eifert, PE, Township Water Division

At 7:33 p.m., Council Vice President Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: MAY 6, 2021

OFFERED BY: METZGER

AYES: 5

SECONDED BY: MAZZOLA

NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
050621

JEFF CANTOR,
COUNCIL PRESIDENT