

MARLBORO TOWNSHIP COUNCIL MEETING

February 24, 2022

The Marlboro Township Council held its regularly scheduled meeting on February 24, 2022 at 6:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey and the Budget Workshop followed immediately after in conference room #1.

Council President Qazi 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 published in the Asbury Park Press on December 21, 2021; was sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on February 22, 2022; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the Township website and Channel 77.

The Municipal Clerk called the Roll.

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

Also present: Mayor Jonathan L. Hornik, Township Attorney Louis N. Rainone (arrived at 6:12 p.m.), 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 in Scotch Plains commented about the grading and clearing permit for his Marlboro property. He also thanked the Council for listening to his concerns.

Walter Solomon of 43 Samantha Drive expressed his ongoing concerns with the construction at 606 Roberts Court. He thanked the Council members that went to his property to view the construction.

Cheryl Krenkle of 41 Samantha Drive commented about the ongoing construction at 606 Robert Court. She also thanked the council for visiting her property to discuss her concerns.

Jeffery Krenkle of 41 Samantha Drive commented about the ongoing construction at 606 Robert Court. He also thanked the council for visiting his property and listening to his concerns.

Council Speaks Out: Councilman Milman thanked all the persons who voiced their concerns during Citizen's Voice. He then stated that when his team was running for council, they ran on ethics, transparency and open government. In an effort to continue with those principles, he encouraged Marlboro residents to be involved in the budget procedure and mentioned that there are several meeting dates in which residents can attend and participate in the budget process. Councilman Milman then provided his full support for the ordinance on the agenda restoring authority back to the Council when it comes to the Zoning Board. He believes it was unfitting that the vote to remove council from this authority was passed and would like the remainder of influence in the ordinance be restored back to the council in full. He asked for complete council support to help restore the checks and balances in Marlboro Township's government.

Council Vice President DiNuzzo echoed Councilman Milman's comments regarding the ordinance on the agenda. She proceeded by stating that Government is a system of checks and balances. Marlboro's form of government is under the Faulkner Act, which has a strong mayor with oversight by the township council. The previous council stripped power from themselves and triggered an emergency provision that the public was in danger. She believes they did this without any reason. The only change, or danger, was that the incoming council members were of a different political party. She asked why did this happen and why did our two remaining council members vote for this to happen? Did the powers that be fear opposition? This was not business as usual! Furthermore, appointments were made to the zoning board while it was out of Council's hands! The second reading of this meeting's ordinance will restore the Zoning Board back to the Council. This ordinance does not, however, restore power back to the Council in its entirety. It does not include the Public Defender, the Prosecutor, the Tax Assessor, the Purchasing Agent, etc. She called for all council powers to be restored back as they were before. Council Vice President DiNuzzo proceeded by listing the newly elected council's 100 day plan for 2022 starting with passing the new Ordinance restoring zoning to council. 1. Authorizing a study on the environmental status of our township facilities guaranteeing a safe working environment for all township employees. 2. Authorizing a study on the feasibility of structuring and building a new Township complex in a leaseback transaction, respecting any historical implications with no negative budgetary impact. 3. Authorizing a study on the current in house dispatch 911 vs. utilizing shared services with the county's system where we will realize saving about \$4 million in revenue. 4. Authorizing a study on the current internet choices and ways to increase competition. 5. Authorizing a study to provide township garbage pickup for Township residents as part of the tax base. 6. Authorizing a study of the status of our zoning department and community development areas to improve citizen interactions. 7. Authorizing a study on CCO requirements to suspend

all township inspections on transfers of Deeds concerning residential property transactions and replace these inspections with a one-time all-inclusive township transfer fee. The township would still require a fire, smoke, and carbon monoxide detector certification from the homeowner for township liability protection. Our goal is to improve services while stabilizing taxes. In closing, Council Vice President DiNuzzo stated that these past two years of our Covid reality have negatively impacted our budget and we are looking at getting back on track. But we are facing a 2022 budget of harsh financial challenges due to both Covid and inflation. We're doing everything possible to handle rising costs wisely.

Administrative Report: Mayor Hornik presented a certificate of appreciation to Ronny Boyce for his 38 years of service as a mechanic in the Department of Public Works. The Mayor proceeded with an announcement that he has arranged for Optimum/Altice to hold a virtual Town Hall Meeting on Monday, Monday, March 14 at 6 p.m. There has been a change in the New Jersey Attorney General's guidelines that has removed car thefts from the list of crimes for which car pursuits are authorized. The Mayor stated that he believes this change is a mistake that will result in unintended consequence as criminals no longer fear that they will be apprehended by law enforcement. The Mayor has reached out to Governor Murphy and the state's legal counsel to discuss this matter further. The Mayor thanked Marlboro's communications operator Anthony Garrell, police officers Anzalone, Schuster, Daulton, and Verbeke as well as Marlboro First Aid for helping to save a two month old baby who stopped breathing at a home in Marlboro. The prompt actions by these individuals helped to save the baby's life. The township and family of the baby are grateful for everything they did that night and for their continued dedication to the residents of Marlboro. In closing, the Mayor advised everyone to be careful driving in the area over the next few days as there is a chance of rain with ice and snow mixed in the forecast and the severity will vary widely across the state.

Councilman Scalea moved that the Council meeting minutes of February 10, 2022 be approved. This was seconded by Councilman Milman, and passed on a roll call vote of 3 - 0 in favor. Council Vice President DiNuzzo and Councilwoman Marder abstained.

The following Ordinance #2022-001 (Amending Section 220-8 of the Code of the Township of Marlboro - Appointment of Zoning Board Members) was introduced by reference. Councilman Milman moved that the public hearing be opened to the public. This was seconded by Council Vice President DiNuzzo. Council President Qazi opened the public hearing on Ordinance #2022-001. As there was no one who wished to speak, a motion to close the public hearing was offered by Councilman Milman and seconded by Council Vice President DiNuzzo. A

motion to adopt Ordinance #2022-001 was offered by Councilman Milman and seconded by Council Vice President DiNuzzo. The ordinance was passed on a roll call vote of 3 - 0 in favor. Councilwoman Marder and Councilman Scalea voted no.

ORDINANCE #2022-001

AN ORDINANCE AMENDING SECTION 220-8 OF THE CODE OF THE TOWNSHIP OF MARLBORO (APPOINTMENT OF ZONING BOARD MEMBERS)

Council President Qazi recused himself from voting on Resolution #2022-068 and Resolution #2022-069. Council Vice President DiNuzzo chaired the council meeting.

The following Resolution #2022-068 (Adjusting the Annual Length of Service Award Program (LOSAP) Contribution and Certifying List of Qualified Volunteer Members - Marlboro First Aid Squad) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Recusal - Council President Qazi.

RESOLUTION #2022-068

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

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

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

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

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 5.6%, making the annual contribution \$1,429.07 per qualifying participant, and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a LOSAP shall annually certify to the

sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

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

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

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

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2021, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Marlboro First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

The following Resolution #2022-069 (Adjusting the Annual Length of Service Award Program (LOSAP) Contribution and Certifying List of Qualified Volunteer Members - Morganville First Aid Squad) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Recusal - Council President Qazi.

RESOLUTION #2022-069

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

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

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

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

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 5.6%, making the annual contribution \$1,429.07 per qualifying participant, and

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

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

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

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

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2021, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Morganville First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

Council President Qazi returned to the council meeting and resumed his role as chair.

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

RESOLUTION #2022-070

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT WITH
KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF GOLDZWEIG, GREEN,
EIGER & BIEDZYNSKI, LLC FOR ETHICS BOARD COUNSEL SERVICES
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2022

WHEREAS, on January 6, 2022, the Township Council adopted Resolution #2022-017 authorizing a contract for ETHICS BOARD ATTORNEY for the period of January 1, 2022 through December 31, 2022; and

WHEREAS, said contract was awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, in a letter dated February 2, 2022, Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger & Biedzynski, LLC has requested an increase of \$7,000.00 in the contract amount due to an ongoing investigation of a complaint; and

WHEREAS, in a communication dated February 8, 2022, the Chairwoman of the Ethics Board has recommended the proposed increase in the contract amount of \$7,000.00.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional Services Contract with KENNETH BIEDZYNSKI, ESQ. OF THE FIRM GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, increasing the contract amount by \$7,000.00 for a total contract not to exceed amount of \$14,000.00.

2. The Chief Financial Officer will certify funds in the amount of \$7,000.00 in Current Account 01-201-20-035-226 upon the adoption of the 2022 Operating Budget.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Goldzweig, Green, Eiger & Biedzynski, LLC
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Township Ethics Board

RESOLUTION #2022-071

RESOLUTION AUTHORIZING THE EXECUTION OF A SUBORDINATION OF DEVELOPER'S AGREEMENT AND AN AMENDED AND RESTATED RIDER TO RESTRICTIVE COVENANTS BETWEEN THE TOWNSHIP OF MARLBORO AND CAMELOT WEST AT MARLBORO, LLC

WHEREAS, Camelot West at Marlboro, LLC (the "Developer") is the owner of a 250-unit residential development located in the Township of Marlboro (the "Township"), which is known as "Camelot West at Marlboro," and which incorporates 50 deed-restricted affordable housing units (the "Project"); and

WHEREAS, the Project was constructed pursuant to a Developer's Agreement dated June 8, 2017 between the Township and Developer; and

WHEREAS, the Developer now seeks to refinance the Project through a mortgage loan insured by the United States Department of Housing and Urban Development ("HUD"), which has required that the Developer enter into an Agreement with the Township recognizing the subordination of the existing Developer's Agreement to the HUD insured mortgage loan; and

WHEREAS, as a condition of refinancing, HUD also requires the execution of an Amended and Restated Rider to Restrictive Covenants between the Township and Developer that includes a provision missing from the original Restrictive Covenant recognizing the subordination of the Project's Restrictive Covenant to the HUD insured mortgage loan; and

WHEREAS, the Amended and Restated Rider to Restrictive Covenants would initiate a new 30-year deed restriction period in connection with the Project's 50 affordable units and, thus, in fact, extend the units' original deed restrictions; and

WHEREAS, the Township Attorney has reviewed the attached Subordination of Developer's Agreement and Amended and Restated Rider to Restrictive Covenants; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the Subordination of Developer's Agreement and the Amended and Restated Rider to Restrictive Covenants in forms substantially similar to the attached Agreement and Amended and Restated Rider, subject to the review and approval of the Township Attorney.

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

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Mayor and Municipal Clerk be and are hereby authorized to execute the Subordination of Developer's Agreement and the Amended and Restated Rider to Restrictive Covenants, in forms substantially similar to the attached Agreement and Amended and Restated Rider, subject to the review and approval of the Township Attorney.

This Resolution shall take effect immediately.

RESOLUTION #2022-072

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS FOR THE PROVISION OF
EMERGENCY SNOW REMOVAL PURSUANT TO N.J.S.A. 40A:11-6 FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, Governor Phil Murphy issued Executive Orders 279 and 285 on January 06, 2022 and January 28, 2022, respectively, declaring states of emergency in anticipation of winter storms forecasted for the State of New Jersey, designated by the Township as EMs 22-01 and 22-03; 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 condition 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 authorized its existing snow removal contractor (Bid 2020-07/R.2021-257), L.J. Pesce, LLC, 100 Igoe Road, Morganville, NJ 07751 to provide the necessary emergency snow removal services, totaling \$54,380.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized its existing snow removal contractor (Bid 2020-07 & 2020-07A/R.2021-257 & R.2021-258), Tri County Turf, LLC, 81 John White Road, Cranbury, NJ 08512 to provide the necessary emergency snow removal services, totaling \$148,680.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized its existing snow removal contractor (Bid 2021-20/R.2021-255), Tri County Turf, 81 John White Road, Cranbury, NJ 08512 to provide the necessary emergency snow removal services of Township-owned commuter parking lots, totaling \$37,842.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized its existing snow removal contract labor provider (SSA/R.2021-288), Western Monmouth Utilities Authority, 103 Pension Road, Manalapan, NJ 07726 to provide the necessary snow plow operators, totaling \$39,200.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized its rental snow plow vehicle provider (Bid 2021-23/R.2021-290), Herc Rentals Inc., 49 Wesley Street, South Hackensack, NJ 07606 to provide the necessary snow plow truck rentals, totaling \$7,950.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized its existing de-icing materials supply vendor (SSA/R.2018-267), the County of Monmouth, 1 East Main Street, Freehold, NJ 07728 to provide the necessary brine pre-treating solution, totaling \$2,340.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized its existing de-icing materials supply vendor (MCC-F-19-2022 /R.2021-399), Riverside Industrial Complex, 355 Newbold Road, Fairless Hills, PA 19030 to provide the necessary pre-treated rock salt, totaling \$134,059.75; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the emergency contracts in an amount not to exceed \$424,451.75 from trust account 11-228-55-020 and operating accounts 01-201-26-119-288105 and 01-201-26-121-292106.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contracts be confirmed pursuant to N.J.S.A. 40A:11-6 and final payment be issued to the vendors as identified above in an amount not to exceed \$424,451.75 for the provision of emergency snow removal services associated with the declared states of emergency.

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

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

RESOLUTION #2022-073

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH AND PAYMENTS TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS AND WATER WORKS SUPPLY CO., INC. FOR THE SUPPLY OF EMERGENCY WATER DISTRIBUTION PRODUCTS PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM 1838, 2121, 2123, 2126, 2132, 2134, 2136, 2140, 2142, 2144, 2146, 2147 and 2148; 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 water emergencies 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 Water Utility contacted its existing emergency water main repair vendor, LUCAS CONSTRUCTION GROUP, INC., PO BOX 8939, RED BANK, NEW JERSEY, 07701 to provide the emergency repairs related to the above mentioned emergencies invoiced pursuant to the contract in an amount of \$196,120.42; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing water distribution product supplier, WATER WORKS SUPPLY CO., INC., 660 State Highway 23 P.O. Box 306, Pompton Plains, New Jersey 07444 to provide the necessary emergency water distribution products related to the above mentioned emergencies invoiced pursuant to the contract in an amount not to exceed \$10,668.24; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$206,788.66 from various water operating and capital accounts.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contracts be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 with LUCAS CONSTRUCTION GROUP, INC. for the provision of emergency water main repairs and WATER WORKS SUPPLY CO., INC. for emergency water distribution products.

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

- d. Business Administrator
- e. Chief Financial Officer
- f. Director of Public Works

RESOLUTION #2022-074

A RESOLUTION APPROVING THE CONTINUATION OF GROUP DENTAL
COVERAGE PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MARLBORO
WITH DELTA DENTAL FOR
MARCH 1, 2022 THROUGH FEBRUARY 28, 2025

WHEREAS, the Township of Marlboro currently provides group dental coverage for its eligible employees and their dependents under a program administered by Delta Dental; and

WHEREAS, in 2022, in an effort to provide the most cost effective coverage for the Township's eligible employees and their dependents, the Township authorized its insurance consultant, North American Insurance Management Corporation ("NAIMC"), to obtain competitive quotes for group dental coverage; and

WHEREAS, on behalf of the Township, NAIMC received two competitive quotations as detailed in the attached EXHIBIT; and

WHEREAS, NAIMC evaluated several factors including estimated plan cost, network and provider coverage (disruption), rate guarantees and Township loss history; and

WHEREAS, the quotation received from Delta Dental, the Township's existing provider proposed a two (2) percent rate reduction and a three (3) year rate guarantee, as follows:

Monthly Rates

	2022-23	2023-24	2024-25
Single	44.69	44.69	44.69
Family	120.59	120.59	120.59

; and

WHEREAS, after evaluating all of the factors, in a letter dated February 10, 2022, NAIMC has recommended that the Township renew with Delta Dental for the 2022-23, 2023-24 and 2024-25 plan years; and

WHEREAS, the Township concurs with the recommendation of its insurance consultant; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$170,000.00 are available for this purpose from Account #01-201-23-100-203; and

WHEREAS, funds for 2023 and succeeding plan years will be made available and certified by the Chief Financial Officer from Account #01-201-23-100-203 upon adoption of the 2023 and succeeding year municipal budgets; and

WHEREAS, contracts for the purchase of insurance coverage and consultant services may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1) (m), in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, contracts for the purchase of insurance coverage may be awarded with a term not to exceed three (3) years pursuant to N.J.S.A. 40A:11-15(6).

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Municipal Clerk to witness, any documents necessary to enter into an agreement with Delta Dental for the provision of group dental coverage for the Township of Marlboro's eligible employees and their dependents for the periods March 1, 2022 - February 28, 2023, March 1, 2023 - February 28, 2024 and March 1, 2024 - February 28, 2025, each at \$44.69/month (single) and \$120.59/month (family) for an estimated total annual cost not to exceed \$200,000.00.

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

- a. North American Insurance Management Corporation
- b. Delta Dental
- c. Business Administrator
- d. Chief Financial Officer

RESOLUTION #2022-075

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 2021 Municipal Budget) as follows:

CURRENT:			
Account No.	Account	From	To
01-203-23-100-202	(2021) Employee Insurance Other Expenses	\$ 11,000.00	
01-203-25-178-218801	(2021) LOSAP Other Expenses		\$ 10,000.00
01-203-31-167-237126	(2021) Natural Gas Other Expenses		1,000.00
		<u>\$ 11,000.00</u>	<u>\$ 11,000.00</u>

RESOLUTION #2022-076

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 2022 Municipal Budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2021 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2022 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$25,973,497.61 for the municipal budget, \$6,877,928.08 for the operations of the water utility, and \$737,337.20 for the operations of the recreation and swim utility.

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 2022 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 #2022-077

A RESOLUTION AUTHORIZING THE AWARD 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, the Township of Marlboro authorizes certain water utility system improvements as part of its annual capital program; and

WHEREAS, the Water Utility Division additionally requires various parts and supplies for both normal operations and emergency repairs to the water distribution system; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE SUPPLY OF WATER DISTRIBUTION PRODUCTS, and on February 16, 2022 received two (2) bids, as follows:

#	Bidder	Bid Amount
1	Ferguson Ent. LLC 190 Oberlin Ave Lakewood, NJ 08701	\$723,514.90*
2	Kennedy Culvert & Supply 125 6th Ave Mt. Laurel, NJ 08054	\$200,785.00**

* Amount adjusted for mathematical errors.

** Bid Submission did not include all of the listed items

; and

WHEREAS, Kennedy Culvert and Supply failed to bid on 245 of the 333 water distribution products listed on the bid form, rendering the bid submission unresponsive; and

WHEREAS, the bid submitted by Kennedy Culvert and Supply failed to include a legally valid bid guarantee; and

WHEREAS, per N.J.S.A. 40A:11-23.2, the failure to submit a bid guarantee accompanying the bid in accordance with section 21 of P.L. 1971, c.198 (C.40A:11-21) "shall be deemed a fatal defect that shall render the bid proposal unresponsive that cannot be cured by the governing body"; and

WHEREAS, the bid submitted by FERGUSON ENT. LLC is both complete and acceptable as to legal form; and

WHEREAS, in a memo dated February 17, 2022, the Director of Public Works has recommended a contract be awarded to FERGUSON ENT. LLC, whose address is 190 Oberlin Ave, Lakewood, NJ 08701, the lowest responsive bidder, on an as needed basis for the SUPPLY OF WATER DISTRIBUTION PRODUCTS; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase WATER DISTRIBUTION PRODUCTS as needed from FERGUSON ENT. LLC, whose address is 190 Oberlin Ave, Lakewood, NJ 08701 at the prices provided in the bid proposal.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with FERGUSON ENT. LLC, whose address is 190 Oberlin Ave, Lakewood, NJ 08701, for a period of one (1) year with an option to renew for one two-year or two (2) one year periods on the same terms and conditions as specified in the bid.

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. Director of Public Works
- d. Chief Financial Officer

At 6:49 p.m. Council Vice President DiNuzzo moved that the meeting be called to a recess. This was seconded by Councilman Milman and approved by unanimous voice vote.

At 6:59 p.m. the budget workshop commenced in conference room #1. Mayor Hornik provided opening remarks and an update of the Mayor's Office. Business Administrator Jonathan Capp presented an overview of the 2022 Municipal Budget.

Council reviewed the following budgets:

Public Works - Bob Miller, Director of Public Works.

Community Development - Laura Newman, Engineer

Public Safety - Chief Peter Pezzullo and Deputy Chief Frederick Reck

Recreation - Suzanne Leifer, Director of Recreation

Administration & Finance/Authorities & Districts/Other - Susan A. Branagan, Municipal Clerk; Lori Russo, Chief Financial Officer and Jonathan Capp, Business Administrator.

Discussion followed, after which it was the Council's consensus to introduce the budget at the March 24, 2022 Council Meeting.

At 9:04 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 10, 2022

OFFERED BY: MARDER AYES: 5

SECONDED BY: DINUZZO NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
031022

JUNED QAZI,
COUNCIL PRESIDENT