

MARLBORO TOWNSHIP COUNCIL MEETING

February 23, 2023

The Marlboro Township Council held its regularly scheduled meeting on February 23, 2023 at 6:00 P.M. at the Marlboro Township 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 sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on February 21, 2023; published in the Asbury Park Press on November 16, 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, Esq., Business Administrator Jonathan Capp, Municipal Clerk Susan A. Branagan and Deputy Municipal Clerk Jennifer M. Johnson

Council Speaks Out: Councilman Scalea thanked the township administration for putting together the proposed 2023 budget. Councilwoman Marder echoed Councilman Scalea's thoughts and thanked administration for a well-organized budget. She also sent her condolences to the family of Max Spivak who passed away on February 16, 2023 from a tragic hit and run car crash.

Administration Report: Mayor Hornik began by stating that Max Spivak was a 21 years old senior at Rutgers University. Max was well known in Marlboro soccer where he played on the varsity team at Marlboro High School until 2019 and was a trainer and coach for CTR soccer. Max is survived by his parents, Larisa Spivak and Frank Rizzi, his brother Brian, and grandparents. The Mayor asked for a moment of silence for Max. The Mayor went on to congratulate the following Marlboro police officers on their recent promotions. Javier Garguillo and Andrew Goldberg to Lieutenant and Officer Donna Gonzalez to the rank of Sergeant. Mayor Hornik stated that they have

shown professionalism and commitment to the community and wished them all the best. The Mayor then announced that vehicle thefts are significantly down from a year ago in Marlboro Township. He attributed Marlboro's success to the 'See Something. Say Something. We will Do Something' program that continues to foster a community/police partnership. This past week the National Weather Service issued a severe thunderstorm warning for the Marlboro area with high winds and hail. A tornado touched down in Mercer County damaging buildings and displacing at least 75 residents. The Mayor encouraged residents to visit the NJ OEM website, which provides important websites and phone numbers for weather emergencies. In closing, the Mayor stated that the Township would plan a ceremony dedicating new historic signs in the spring for Marlboro's 175th Anniversary (demisemiseptcentennial).

Councilman Scalea moved that the Council meeting minutes of February 9, 2023 be approved. This was seconded by Council Vice President DiNuzzo, and passed on a roll call vote of 5 - 0 in favor.

Councilman Milman introduced a motion to open the public hearing for Ordinance #2023-002 (Ordinance Authorizing The Acquisition of an Easement Consisting of 0.024 Acres of the Property Known and Designated as Block 116, Lot 17, also Known as 5 Lloyd Road, for the Purposes of Constructing and Maintaining Public Water Infrastructure) this was seconded by Council Vice President DiNuzzo and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Council Vice President DiNuzzo and approved by unanimous voice vote.

The following Ordinance #2023-002 (Ordinance Authorizing The Acquisition of an Easement Consisting of 0.024 Acres of the Property Known and Designated as Block 116, Lot 17, also Known as 5 Lloyd Road, for the Purposes of Constructing and Maintaining Public Water Infrastructure) was 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.

ORDINANCE #2023-002

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT AND RIGHT-OF-WAY CONSISTING OF .024 ACRES OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 116, LOT 17 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS 5 LLOYD ROAD, MORGANVILLE, NJ 07751 FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING PUBLIC WATER INFRASTRUCTURE IN THE TOWNSHIP OF MARLBORO

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2023-003 (Ordinance Amending Chapter 4, Article XIV, § 4-98, of the Code of the Township of Marlboro Entitled "Division Of Police" Amending Table of Organization) this was seconded by Councilman Milman and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-003 (Ordinance Amending Chapter 4, Article XIV, § 4-98, of the Code of the Township of Marlboro Entitled "Division Of Police" Amending Table of Organization) was introduced by reference, offered by Councilman Scalea, seconded by Council Vice President DiNuzzo and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-003

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF  
THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION  
OF POLICE" AMENDING TABLE OF ORGANIZATION

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

RESOLUTION #2023-070

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR  
ETHICS BOARD LEGAL COUNSEL SERVICES TO KENNETH BIEDZYNSKI,  
ESQ. OF THE FIRM OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC  
FOR THE YEAR 2023 PURSUANT TO A FAIR AND OPEN PROCESS IN  
ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Township requires a special legal counsel to the Ethics Board, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 9, 2022 (the "Proposal") from GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC, 4400 Route 9 South, Suite 220, Freehold, New Jersey 07728, in response to the Request for Qualifications for professional services issued by the Township on September 30, 2022 which set forth the terms and conditions under which such services are to be rendered under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, it has been determined that the value of the contract will not exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer upon adoption of the 2023 budget, and at the time that services, if any, are requested from the qualified professionals.

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 the award of a Professional Services contract to GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC, 4400 Route 9 South, Suite 220, Freehold, New Jersey 07728 pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and in accordance with the proposal received October 28, 2021, at an hourly rate of One Hundred and Seventy Dollars (\$170.00) per hour for attorneys and Seventy Five Dollars (\$75.00) per hour for para-professionals and law clerks, not to exceed Seven Thousand Dollars (\$7,000.00); and

3. The Mayor and the Municipal Clerk are hereby authorized and directed to execute, seal and deliver said contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. That notice of the award of this contract shall be published in accordance with law.

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

- a. GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC
- b. Business Administrator
- c. Chief Financial Officer
- d. Marlboro Ethics Board

RESOLUTION #2023-071

RESOLUTION CONFIRMING AGREEMENT WITH CONSTELLATION NEW ENERGY, INC. FOR THE SUPPLY OF ELECTRICITY

WHEREAS, on February 9, 2023 (Resolution #2023-055) the Township Council authorized the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provision of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30), authorizing the acceptance of bids for the purchase of electric power supply through a process conducted by an on-line purchasing agent approved by the New Jersey Department of Community Affairs (NJDCA) as well as the execution of agreements; and

WHEREAS, in February, 2023 as part of its pre-bid qualification process in pursuit of a new electricity supply contract, the Township received submissions from one supplier as follows:

Constellation New Energy

; and

WHEREAS, on February 16, 2023, an internet-based reverse auction was held for the Township and Marlboro Board of Education electricity supply accounts for each of 12, 24, 36 and 48 month terms; and

WHEREAS, the following final fixed price bids, lower than the pre-bid calculated price to compare of \$.08307, were received for a fixed price contract (\$/kwh):

Supplier	12	24	36	48
Constellation	\$0.07600	\$0.07680	\$0.07658	\$0.07633

; and

WHEREAS, the following final fixed price bids were received, slightly higher than the pre-bid calculated price to compare of \$.06900, for a fixed price contract for street lighting accounts (\$/kwh):

Supplier	12	24	36	48
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Constellation \$0.07081 \$0.07166 \$0.07153 \$0.07102

; and

WHEREAS, the following final fixed price bids were received, lower than the pre-bid calculated price to compare of \$.08727, for a fixed price contract for non-street lighting accounts (\$/kwh):

Supplier	12	24	36	48
Constellation	\$0.07785	\$0.07843	\$0.07838	\$0.07795

; and

WHEREAS, Constellation New Energy, Inc. was the sole responsive bidder; and

WHEREAS, based upon the rates bid, market conditions, Jersey Central Power and Light's approved rates and history of increases, in consultation with the analysts at EnerConnex, it was determined by the Administrations of the Township and Board of Education that the following were the most favorable courses of action and most advantageous to the taxpayers of Marlboro:

- (1) Locking in a fixed supply rate
- (2) Locking in rates for a 36 month term

; and

WHEREAS, pursuant to NJSA 40A:11-15(20), contracts may be awarded for a period in excess of 24 consecutive months of time for the supply of goods or services for the purpose of lighting public streets for a term not to exceed five (5) years; and

WHEREAS, in order to secure the low bid pricing which expired at the close of business on the date of auction, February 17, 2023, the Business Administrator executed an agreement with Constellation New Energy, Inc. for a fixed price electricity supply contract with additional pass through components for a 36 month term; and

WHEREAS, the Township Council supports the cooperative purchasing effort with the Board of Education which has achieved substantial and measurable savings for taxpayers during its term, and wishes to confirm the low bid pricing for the supply of electricity for a 36 month term.

NOW THEREFORE BE IT RESOLVED, that the Township Council hereby confirms agreements for the purchase of electricity from Constellation New Energy, Inc. at a price of 0.07658/kwh for all electricity supply accounts, for a term of 36 months.

RESOLUTION #2023-072

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 #2023-073

A RESOLUTION AUTHORIZING YEAR 3 OF 3 CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on May 6, 2021 (Resolution #2021-178) the Township Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION (Bid 2021-07); 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 March 24, 2022 (Resolution #2022-100), the Township Council of the Township of Marlboro approved the first one (1) year extension of the contract with LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, in a memo dated February 13, 2023, 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, that a contract be renewed with LUCAS CONSTRUCTION GROUP, INC. whose address is P.O. Box 8939, Red Bank, New Jersey 07701 for a period of one year commencing on April 1, 2023 and expiring on March 31, 2024, in a total amount not to exceed \$101,101.00.

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



BE IT FURTHER RESOLVED, that the Chief Financial Officer will certify funds in the Water Utility Operating and Capital Accounts for the services upon the adoption of the 2023 Water Utility Budget.

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

- a. LUCAS CONSTRUCTION GROUP, INC.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2023-074 WAS REMOVED FROM THE AGENDA

RESOLUTION #2023-075

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 2023 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2022 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 2023 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$30,418,329.43 for the municipal budget, \$8,736,377.32 for the operations of the water utility, and \$1,625,942.69 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 2023 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 #2023-076

RESOLUTION AUTHORIZING APPLICATION TO 2023 DISTRACTED DRIVING  
GRANT PROGRAM THROUGH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, distracted driving is a dangerous epidemic on America's roadways. In 2020 alone, 3,412 people were killed in distracted driving crashes. An estimated 400,000 people were injured in motor vehicle crashes involving a distracted driver; and

WHEREAS, in New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes; and

WHEREAS, driver inattention was listed as a contributing circumstance in over 50% of the state's crashes in 2020 and was a contributing factor in crashes at a rate nine times higher than speeding; and

WHEREAS, distracted driving is any activity that diverts a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These distractions include:

- Texting
- Using a cell phone or smartphone
- Eating and drinking
- Talking to passengers
- Grooming
- Reading
- Using a navigation system
- Watching a video
- Adjusting a radio, CD player, or MP3 player

; and

WHEREAS, because using a hand held cell phone to make calls or send text messages requires visual, manual, and cognitive attention from the driver, they are by far the most alarming distractions; and

WHEREAS, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice drivers; and

WHEREAS, from April 1-30th, 2023, police officers, on an overtime basis, will conduct special enforcement patrols targeting

distracted drivers. The patrols will consist of roving patrols and fixed checkpoints; and

NOW, THEREFORE, BE IT RESOLVED, THAT the Municipal Council of the Township of Marlboro hereby authorizes that an application be made to the 2023 Distracted Driving Grant Program through the New Jersey Department of Transportation, Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signatures constitutes acceptance of the terms and conditions of the grant agreement.

RESOLUTION #2023-077

AMENDING RESOLUTION #2021-404 OF THE MARLBORO TOWNSHIP  
COUNCIL AUTHORIZING N.J.S.A.11A:4-1.3 ("ALTERNATE  
ROUTE") AS AN ADDITIONAL HIRING PRACTICE FOR ENTRY-  
LEVEL LAW ENFORCEMENT OFFICERS OF THE MARLBORO  
TOWNSHIP DIVISION OF POLICE

WHEREAS, on December 29, 2021, the Township Council of the Township of Marlboro adopted Resolution #2021-404 which, pursuant to P.L.2021, Chapter 7, authorized the Township to exempt any applicant for entry-level law enforcement from taking the Civil Service law enforcement exam as long as they have completed the full Basic Course for Police Officers at a school approved and authorized by the New Jersey Police Training commission; and

WHEREAS, the State Legislature subsequently adopted P.L.2021, Chapter 406 to place additional restrictions on the exemption previously granted; and

WHEREAS, the Township of Marlboro, Monmouth County, State of Jersey (hereinafter referred to as the "Township") is a jurisdiction governed by Title 11A and the Civil Service regulations and rules established under Title 4A of the Administrative Code; and

WHEREAS, P.L.2021, Chapter 406 permits municipalities to hire entry level police officers who may not have taken an open competitive examination for the title of Police Officer, but are otherwise duly qualified, complete training, and obtain a valid NJ Police Training Commission Certificate as Police Officer (Basic Course for Police Officer) within nine months from the date of hire as a temporary entry-level officer under the provisions of this section; and

WHEREAS, any person employed under the provisions of this section shall enroll in a training course approved by the New Jersey Police Training Commission, and such person shall be entitled to a leave of absence with pay during the period of the training course; and

WHEREAS, upon successful completion of the training course, any person employed under the provisions of this section shall be appointed from a temporary to a permanent entry-level law enforcement police officer; and

WHEREAS, the Township has duly established written policies governing nepotism and conflicts of interest as required under the law; and

WHEREAS, in order to effectuate this policy, a municipality must affirmatively "opt in" by adopting a Resolution authorizing such a hiring policy; and

WHEREAS, the New Jersey Civil Service Commission requires an amended Resolution of record from municipalities "opting in" acknowledging the changes adopted by the State Legislature in P.L.2021, Chapter 406; and

WHEREAS, Chief of Police Peter Pezzullo, has recommended that the Township adopt a Resolution acknowledging the changes adopted by the State Legislature, as required by the New Jersey Civil Service Commission; and

WHEREAS, this "opt in" provision shall remain valid for 90 days.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro for the reasons set forth above that the Township hereby authorizes such hiring policies related to the examination exemption as set forth in P.L.2021, Chapter 406.

BE IT FURTHER RESOLVED, that copy of this Resolution shall be transmitted to the

a) New Jersey Civil Service Commission

RESOLUTION #2023-078

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

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

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

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

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

WHEREAS, the Director of Recreation has recommended that the Township utilize the MTBOE and FRHSD facilities for the Recreation Department's 2023-2024 season; and

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

WHEREAS, funds in the amount not to exceed \$66,208.00 for the facility rental services have been certified by the Chief Financial Officer from the Recreation and Swim Utility Accounts #09-201-55-400-216402, #09-201-55-400-216426, #09-201-55-400-216406 and #09-201-55-400-216427; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Business Administrator are hereby authorized and directed to execute the contracts or agreements necessary to secure the facility rentals from the Marlboro Township Board of Education

and Freehold Regional High School District in support the programs of the Marlboro Township Recreation Department.

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

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

RESOLUTION #2023-079

A RESOLUTION AMENDING THE LEASE AGREEMENT BETWEEN MORGANVILLE VOLUNTEER FIRE COMPANY NO. 1 AND THE MARLBORO RECREATION DEPARTMENT FOR USE OF SPACE AT 78 TENNENT ROAD, MORGANVILLE, NEW JERSEY

WHEREAS, the Township Council of the Township of Marlboro adopted Resolution #2022-139 for the use of space at the 78 Tennent Road property ("Property") owned by MORGANVILLE VOLUNTEER FIRE COMPANY NO. 1 ("Company") to operate its adult recreation programs; and

WHEREAS, the Township issued a letter of intent to MORGANVILLE VOLUNTEER FIRE COMPANY NO. 1 dated January 20, 2023 for purchase of the property, subject to completion of due diligence and authorization and approval by the Township Council; and

WHEREAS, the Company has requested and the Township is agreeable to providing the necessary insurances for the Property and its contents during the due diligence period beginning March 1, 2023, until such time as the Township either acquires the Property or withdraws its offer to purchase the Property, so that it may be utilized for Township programming pursuant to the lease agreement, subject to the following restrictions:

1. There shall be no Company sponsored or authorized outside events or meetings scheduled in the Property or facility, other than periodic meetings of the Company's Board of Directors and required maintenance and upkeep of the Property and facility by the Company, except that the Property may be utilized as a polling location;
2. The Company provides a certificate of insurance in evidence of Board of Directors liability coverage and execute a hold harmless and indemnification agreement limited to the physical plant, appurtenances and systems (including but not limited to the HVAC systems) with the Township

; and

WHEREAS, the Departments of Administration and Recreation are recommending that the Township amend the lease incorporating the above referenced terms.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to amend the lease agreement with MORGANVILLE VOLUNTEER FIRE COMPANY NO. 1, 78 Tennent Road, Morganville, New Jersey 07751 in accordance with this Resolution, 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. MORGANVILLE VOLUNTEER FIRE COMPANY NO. 1
- b. Township Business Administrator
- c. Township Recreation Director
- d. Chief Financial Officer
- e. Monmouth County Joint Insurance Fund

RESOLUTION #2023-080

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO MIRACLE CHEMICAL CO. 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, on March 18, 2021 (Resolution #2021-154) the Township Council of the Township of Marlboro 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 (Bid #2021-06); 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 10, 2022 (Resolution #2022-067), the Township Council of the Township of Marlboro approved the first one (1) year extension of the contract with 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; and

WHEREAS, in a memo dated February 14, 2023, the Director of Public Works has recommended that the Township approve the second and final one (1) year extension of the contracts with MIRACLE CHEMICAL CO. AND MAIN POOL & CHEMICAL CO. INC.; 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, that Contract 1B be renewed 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, 2023.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a Contract 1C be renewed 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, 2023.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1D be renewed to Main Pool & Chemical Co. Inc. whose address is 110 Commerce Road, Dupont, PA 18641 for the Supply of Sodium Hypochlorite 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, 2023.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contract renewals with MIRACLE CHEMICAL CO. 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, the Chief Financial Officer has certified that funds for the 2023 portion of the contracts in the amount of \$224,837.00 are available in the Water Utility Account #05-201-55-500-293020 and funds in the amount of \$24,032.00 for the full 2023 summer season are available in Recreation Utility Accounts #09-201-55-400-293452 and 09-201-55-400-293451.

BE IT FURTHER RESOLVED, funds for the 2024 portion of each contract in the total amount of \$66,935.00 will be certified by the Chief Financial Officer for this purpose upon adoption of the 2024 Municipal Budget.



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

RESOLUTION #2023-081

A RESOLUTION AUTHORIZING YEAR 2 OF 3 CONTRACT WITH A.C. SCHULTES, INC. FOR MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on April 28, 2022 (Resolution #2022-105) the Township Council of the Township of Marlboro awarded a contract to A.C. SCHULTES, INC. FOR MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (Bid 2022-03); 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, in a memo dated February 13, 2023, the Director of Public Works has recommended that the Township approve the first one (1) year extension of the contract with A.C. SCHULTES, INC. FOR MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; 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, that the contract with A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$165,300.00 for MAINTENANCE AND SERVICE OF WELLS AND PUMPS is extended for a period of one (1) year beginning on May 1, 2023.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a renewal agreement with A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$165,300.00.

BE IT FURTHER RESOLVED, that funds have been certified by the Chief Financial Officer in the amount of \$165,300.00 in Current Account #01-201-28-123-288121, Water Utility Account #05-201-55-500-288020 and Water Capital Accounts #06-215-16-03C-500288, 06-215-17-03C-500288 and 06-215-19-02F-500288.

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

- a. A.C. SCHULTES, INC.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2023-082

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND EARLE ASPHALT COMPANY AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE MOCKINGBIRD LANE WATER EXTENSION PROJECT

WHEREAS, by Resolution #2021-310 the Township of Marlboro authorized the award of a contract to EARLE ASPHALT COMPANY for MOCKINGBIRD LANE WATER EXTENSION (the "Project") (Bid #2021-19A); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$876,713.13 to \$710,570.91, a net decrease of \$166,142.22; and

WHEREAS, in a letter dated January 30, 2023, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$141,248.11; and

WHEREAS, pursuant to the terms of the contract, EARLE ASPHALT COMPANY has provided a two-year maintenance bond in an amount equal to 15% of the contract amount, or \$131,506.97; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to EARLE ASPHALT COMPANY in the amount of \$141,248.11 in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with EARLE ASPHALT COMPANY, be and is hereby approved, decreasing the original contract total of \$876,713.13 to \$710,570.91, a net decrease of \$166,142.22.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$141,248.11 for work completed by EARLE ASPHALT COMPANY is hereby approved.

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

- a. EARLE ASPHALT COMPANY
- b. Township Administrator
- c. Superintendent of Public Works
- d. Township Chief Financial Officer

Citizen's Voice:

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

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

At 6:24 p.m. Councilman Milman moved that the meeting be called to a recess. This was seconded by Councilman Scalea and approved by unanimous voice vote.

At 6:31 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 2023 Municipal Budget.

Council reviewed the following budgets:

Public Works - Bob Miller, Director of Public Works

Community Development - Trevor Taylor, Engineer

Public Safety - Chief Peter Pezzullo

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 16, 2023 Council Meeting.

At 8:15 p.m., Council Vice President DiNuzzo moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 16, 2023

OFFERED BY: MARDER

AYES: 5

SECONDED BY: SCALEA

NAYS: 0

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
031623

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JUNED QAZI,  
COUNCIL PRESIDENT