

MARLBORO TOWNSHIP COUNCIL MEETING

February 29, 2024

The Marlboro Township Council held its regularly scheduled meeting on February 29, 2024 at 6:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

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

Municipal Clerk Susan A. Branagan called the roll.

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

Also present: Township Attorney Christopher Zingaro, Esq., Business Administrator Jonathan Capp, Municipal Clerk Susan A. Branagan and Deputy Municipal Clerk Jennifer M. Johnson

Citizen's Voice:

Dorothy Colao of 215 Sorrel Drive requested that both the council and land use meeting agendas and all important township information be posted on the township's website.

Councilman Scalea moved that the Council meeting minutes of February 15, 2024 be approved. This was seconded by Councilwoman Viridi, and passed on a roll call vote of 4 - 0 in favor. Councilman Milman was absent.

The following resolution #2024-079 (Setting Forth the Basis for Adoption of Ordinance 2024-003) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Viridi and passed on a roll call vote of 4 - 0 in favor. Councilman Milman was absent.

RESOLUTION #2024-079

A RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-26 SETTING FORTH THE BASIS FOR ADOPTION OF ORDINANCE 2024-003

WHEREAS, the Township Council introduced Ordinance #2024-003 (the "Ordinance") and referred same to the Planning Board of the Township of Marlboro; and,

WHEREAS, the Planning Board determined that the provisions of the Ordinance do not comply with the 2019 amendments to the Township's Master Plan; and,

WHEREAS, the Township Council has determined, for the reasons set forth herein, that it is appropriate to adopt the Ordinance as it is designed to correct errors in the 2019 master plan and the adopted enabling ordinances.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that as provided for in N.J.S.A. 40:55D-26a the reasons for the adoption of Ordinance shall be set forth in the minutes of the Township Council and are as follows:

- 1) The 2019 blanket re-zoning of farm assessed parcels resulted in five (5) parcels along the Route 79 corridor (Block 414, Lots 1 and 2, and Block 415 Lots 24, 27 and 30) that, while in use as farmland, were zoned commercial and were more appropriate for commercial uses; and,
- 2) The Master Plan states that the Township should encourage the development of its economic base through commercial and industrial uses, and the zoning of the subject lots Agricultural/Land Conservation, limits the development of land historically zoned commercial and appropriate for commercial development; and,
- 3) The zoning of the parcels in question, as Community Commercial is consistent with commercial development in the area and along the Route 79 corridor; and,
- 4) As to Block 207, Lot 3, the master plan recommendation was unnecessary to prevent high density housing development and the surrounding land uses are more consistent with a designation of the parcel as Land Conservation.

BE IT FURTHER RESOLVED, that this resolution shall be recorded in the minutes of the Township Council of the Township of Marlboro.

A motion to adopt the following Ordinance #2024-003 (Ordinance Amending Chapter 220 "Land Use and Development," Article III, Of The Code of the Township of Marlboro to Rezone Certain Parcels) was offered by Councilman Qazi and seconded by Councilwoman Viridi. The ordinance was passed on a roll call vote of 4 - 0 in favor. Councilman Milman was absent.

ORDINANCE #2024-003

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

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

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

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

§220-47 "LC Land Conservation District" Amendment

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

Block	Lot	Facility	Acreage
207	3	Farm	7.66

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

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

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

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

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

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

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

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

The following resolution #2024-080 (Adjusting the Annual LOSAP Contribution and Certifying List of Qualified Volunteer Members) was introduced by reference, offered by Councilman Qazi, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Councilman Milman was absent.

RESOLUTION #2024-080

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 3.5%, making the annual contribution \$1,594.46 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 2023, 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.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Virdi and passed on a roll call vote of 4 - 0 in favor. Councilman Milman was absent.

RESOLUTION #2024-081

A RESOLUTION OF THE MARLBORO TOWNSHIP COUNCIL AUTHORIZING A DISCHARGE OF A MORTGAGE DATED NOVEMBER 9, 2011, AGAINST A PROPERTY LOCATED AT 2 SHERBROOKE LANE, MORGANVILLE, NEW JERSEY, AND OWNED BY BARRY J. IVLER AND BONNIE JAY IVLER, HUSBAND AND WIFE

WHEREAS, the Township of Marlboro currently operates and participates under the auspices of New Jersey's Fair Housing Act

(N.J.S.A. 52:27D-301 et. seq.) as to its affordable housing obligations; and

WHEREAS, the homeowners hereunder, Barry J. Ivler and Bonnie Jay Ivler, husband and wife ("the Homeowners"), purchased a residence which is commonly known as 2 Sherbrooke Lane, in the Township of Marlboro, and said home can be more specifically identified as Lot 13, Block 267 ("the Residence"); and

WHEREAS, the Homeowners previously made application to the then administrative agent as to Marlboro Township's "Housing Rehabilitation Program" in order to perform certain remedial work to the Residence; and

WHEREAS, Marlboro's administrative agent issued a "certificate of eligible household" to the Homeowners on July 28, 2011; and

WHEREAS, as part and parcel of participating in the rehabilitation program the Homeowners executed a mortgage to Marlboro Township (dated November 9, 2011) to secure a forgivable loan of \$16,875.00 with said mortgage being recorded on November 8, 2012, in the Monmouth County Clerk's Office in deed book OR-8979, at page 8611 et. seq. ("the Marlboro Mortgage"); and

WHEREAS, by virtue of the foregoing, the Residence was made subject to the Marlboro Mortgage and the Uniform Housing Affordability Controls act which is codified at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, simultaneous with executing the foregoing Marlboro Mortgage, the Homeowners also executed a "Mortgage Note" on same date and it provided, at ¶ 1(C), that "at the end of ten full years from the date of this NOTE the TOTAL DEBT [i.e., the \$16,875.00 amount] is terminated as provided for herein"; and

WHEREAS, more than ten (10) years have passed since the Marlboro Mortgage and the foregoing Mortgage Note were executed and thus, the underlying debt secured by the Marlboro Mortgage has been satisfied; and

WHEREAS, as a result of the above, the Marlboro Mortgage may now be marked "discharged" and "paid in full" and a satisfaction of mortgage may now be recorded with the County of Monmouth as to same; and

WHEREAS, it has been determined that there is good cause for the Hon. Jonathan L. Hornik to execute a discharge of the Marlboro Mortgage;

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Mayor Jonathan L. Hornik is hereby authorized to execute the attached discharge of mortgage; and

BE IT FURTHER RESOLVED, that subsequent to the signature of the said discharge of mortgage that this 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:

Township Business Administrator
Township Attorney
Kenneth W. Biedzynski, Affordable Housing Special Counsel

RESOLUTION #2024-082

AMENDING RESOLUTION #2023-203 ADOPTING THE MARLBORO OFFICE OF
EMERGENCY MANAGEMENT EMERGENCY OPERATIONS PLAN (EOP) AND
AUTHORIZING CONTINUED PARTICIPATION IN THE MONMOUTH COUNTY
MUTUAL AID AND ASSISTANCE AGREEMENT

WHEREAS, Chapter 222, Public Law 1989 mandates the development and approval of Emergency Operations Plans for all municipalities, counties and the State; and

WHEREAS, an Emergency Operations Plan is established in order for the Municipal Office of Emergency Management to better prepare for and manage jurisdiction-wide emergencies; and

WHEREAS, the Marlboro Township Emergency Management Coordinator must submit an Emergency Operations Plan through the County Office of Emergency management to the State Office of Emergency Management for initial review and approval, which requires recertification every two (2) years; and

WHEREAS, the Township participates in the Monmouth County Mutual Aid and Assistance program ("Program") which exists to ensure that the necessary resources are available to Marlboro and other Monmouth County municipalities in the event of an emergency; and

WHEREAS, the Program requires the execution of an agreement between the County, Marlboro Township and Participating Units (the Monmouth County Intra-County Mutual Aid and Assistance Agreement or "Agreement") which requires renewal on a quadrennial basis; and

WHEREAS, the Township Council of the Township of Marlboro adopted Resolution #2023-203 on August 17, 2023 approving the

Emergency Operations Plan and Authorizing Continued Participation in the Monmouth County Mutual Aid and Assistance Agreement; and

WHEREAS, the Monmouth County Office of Emergency Management has requested changes to the resolution of authorization reflecting the requirement that recertification of the EOP take place every two (2) years, and a term of agreement ending July 1, 2025; and

WHEREAS, there have been no substantive changes to either the EOP or Mutual Aid Agreement since August 17, 2023; and

WHEREAS, the Emergency Management Coordinator recommends reauthorization of the EOP and Agreement reflecting a term of Agreement ending on July 1, 2025, such that that the necessary resources remain available to Marlboro Township in the event of an emergency; and

WHEREAS, the Mayor and Township Council concur with the recommendations of the Marlboro Emergency Management Coordinator.

NOW, THEREFORE, BE IT RESOLVED, by, the Township Council of the Township of Marlboro that the Marlboro Emergency Operations Plan be and is hereby adopted.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the renewal of the Monmouth County Intra-County Mutual Aid and Assistance Agreement, and authorizes Mayor Jonathan L. Hornik to execute the attached agreement ("EXHIBIT A") with Monmouth County for a term consistent with the Municipal Emergency Operations Plan ending on July 1, 2025.

BE IT FURTHER RESOLVED, that the Municipal Clerk is directed to provide a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator.

RESOLUTION #2024-083

RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE PAMPINI,
LLC #1328 33 008 011 FOR RENEWAL YEAR 2023-2024

WHEREAS, on June 15, 2023, Resolution #2023-148 adopted by the Township Council of the Township of Marlboro renewed Pampini, LLC, plenary retail consumption license #1328 33 008 011 for the period of July 1, 2023 to June 30, 2024; and

WHEREAS, on May 9, 2022 the licensee, Pampini, LLC was notified by the Municipal Clerk that an inactive amendment was required to be filed with the New Jersey Division of Alcoholic Beverage Control

placing the plenary retail consumption license to an in pocket status (license not sited at a premises); and

WHEREAS, the pocket status permits the renewal of the license by the issuing authority two (2) full license terms; and

WHEREAS, an amendment was not enacted ten days (10) prior or ten days (10) after March 1, 2021, the date of the inactive plenary retail consumption license. The inactive period occurred during the 2020-2021 renewal liquor license period; counting as the first year, and the 2021-2022 license renewal period counting as the second; and

WHEREAS, on December 21, 2023, Resolution #2023-268 adopted by the Township Council of the Township of Marlboro rescinded Pampini, LLC, plenary retail consumption license #1328 33 008 011 for the period of July 1, 2023 to June 30, 2024; and

WHEREAS, the licensee was advised by the Municipal Clerk that a Special Ruling requiring the permit renewal of an inactive license pursuant to N.J.S.A. 33:1-12.39 should be petitioned to the Director of the New Jersey Division of Alcoholic Beverage; and

WHEREAS, on January 22, 2024 the Special Ruling permit pursuant to N.J.S.A 33:1-12.39 to permit the renewal of an inactive license for the 2023-2024 license term for Pampini LLC. was received from the Director of the New Jersey Division of Alcoholic Beverage; and

BE IT RESOLVED, by the Township Council of the Township of Marlboro that the following Liquor License be renewed for the period beginning July 1, 2023 through June 30, 2024:

Pampini, LLC T/A Brioso 1328 33 008 011

BE IT FURTHER RESOLVED, that pursuant to NJAC 13: 2-19.7, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

RESOLUTION #2024-084

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT AND ONE MONTH CONTRACT EXTENSION FOR THE PROVISION OF WATER METERS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2023 capital program (2023-500-16) authorized various water system improvements including the replacement of various water meters; and

WHEREAS, the Township of Marlboro authorized for the acceptance

of bids for the PROVISION OF WATER METERS (Bid 2024-05), and on February 14, 2024, received two (2) proposals as follows:

Ferguson Waterworks
507 Oak Glen Rd
Howell, NJ 07731

Core & Main LP
5142 Hurley Pond Rd
Farmingdale, NJ 07727

NO	ITEM	QTY*	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
Water Meters						
1	5/8" X 3/4" (7.5" Length) Transit-Time Residential Cold Water Meter Flow Measurement (Sensus iPerl Meters, Master Meter Sonata or Equal)	50	\$131.59	\$6,579.50	No Bid	No Bid
2	3/4" X 3/4" (7.5" Length) Transit-Time Residential Cold Water Meter Flow Measurement (Sensus iPerl Meters, Master Meter Sonata or Equal)	50	\$146.66	\$7,333.00	No Bid	No Bid
3	1" X 1" Transit-Time Residential Cold Water Meter Flow Measurement (Sensus iPerl Meters, Master Meter Sonata or Equal)	50	\$203.67	\$10,183.50	No Bid	No Bid
4	5/8" X 3/4" (7.5" Length) ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	50	No Bid	No Bid	\$155.00	\$7,750.00
5	3/4" X 3/4" (7.5" Length) ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	50	No Bid	No Bid	\$175.00	\$8,750.00
6	3/4" X 3/4" (7.5" Length) ELECTROMAGNETIC FLOW MEASUREMENT with metallic lead free threads (Sensus iPerl Meters or Equal)	50	No Bid	No Bid	\$195.00	\$9,750.00
7	1" X 1" ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	50	No Bid	No Bid	\$240.00	\$12,000.00
8	1" X 1" ELECTROMAGNETIC FLOW MEASUREMENT with metallic lead free threads (Sensus iPerl Meters or Equal)	50	No Bid	No Bid	\$255.00	\$12,750.00
9	1.5" Ultrasonic Commercial & Industrial Water Meter (Sensus iPerl Meters, Sensus Cordone1 or Equal)	1	No Bid	No Bid	\$1,765.00	\$1,765.00
10	2" Ultrasonic Commercial & Industrial Water Meter (Sensus iPerl Meters, Sensus Cordone1 or Equal)	1	No Bid	No Bid	\$2,033.00	\$2,033.00
11	4" Ultrasonic Commercial & Industrial Water Meter (Sensus iPerl Meters, Sensus Cordone1 or Equal)	1	No Bid	No Bid	\$4,444.00	\$4,444.00
12	1.5" Omni C2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$1,405.00	\$1,405.00
13	2" Omni C2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$1,625.00	\$1,625.00
14	4" Omni C2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$3,575.00	\$3,575.00
15	6" Omni C2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$6,095.00	\$6,095.00
16	8" Omni C2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$9,315.00	\$9,315.00
17	10" Omni C2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$12,000.00	\$12,000.00
18	1.5" Omni T2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$900.00	\$900.00
19	2" Omni T2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$920.00	\$920.00
20	4" Omni T2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$2,590.00	\$2,590.00
21	6" Omni T2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$4,675.00	\$4,675.00

22	8" Omni T2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$7,915.00	\$7,915.00
23	10" Omni T2 ELECTROMAGNETIC FLOW MEASUREMENT (Sensus iPerl Meters or Equal)	1	No Bid	No Bid	\$10,325.00	\$10,325.00
24	Sensus Water Meter Pit TRPL Conversian Wire 6'	1	No Bid	No Bid	\$20.00	\$20.00
25	Sensus Water Meter Pit TRPL Conversian Wire 25'	1	No Bid	No Bid	\$36.00	\$36.00
MXU / Accessories						
26	Sensus MXU Units or Equal (Model 510M single port or Equal)	1	No Bid	No Bid	\$165.00	\$165.00
27	Sensus MXU Units or Equal (Model 510M dual port or Equal)	1	No Bid	No Bid	\$220.00	\$220.00
28	Sensus MXU Units or Equal (Model 520M single port TR/PL or Equal)	1	No Bid	No Bid	\$170.00	\$170.00
29	Sensus MXU Units or Equal (Model 520M dual port TR/PL or Equal)	1	No Bid	No Bid	\$225.00	\$225.00
30	Handheld Device (Sensus 7502 or Equal)***	1	No Bid	No Bid	\$12,185.00	\$12,185.00
31	Touch Gun with charger (Sensus 4090 or Equal)	1	No Bid	No Bid	\$1,400.00	\$1,400.00
32	Sensus Command Link for MXU Programming		No Bid	No Bid	\$675.00	\$675.00
33	Sensus Touch Pad or Equal	5	No Bid	No Bid	\$20.00	\$100.00
34	WIRE CONNECTORS - GELCAP BUTTSPLICE 22-26 AWG - YELLOW - 2 WIRE - GEL FILLED	1000	No Bid	No Bid	\$25.00	\$250.00
35	Sensus Omni Replacement Electronic Communications Register 1.5"-10"	1	No Bid	No Bid	\$405.00	\$405.00
36	VXU Unit (Sensus or Equal)****	1	No Bid	No Bid	\$23,000.00	\$23,000.00
Meter Washers / Gaskets / Hardware						
37	3/4" EPDM Water Meter Washers	1000	\$0.54	\$540.00	\$1.25	\$1,250.00
38	1" EPDM Water Meter Washers	1000	\$0.57	\$570.00	\$1.50	\$1,500.00
39	1.5" EPDM Full Flange Water Meter Gasket	2	\$4.65	\$9.30	\$8.00	\$16.00
40	2" EPDM Full Flange Water Meter Gasket	2	\$5.26	\$10.52	\$10.00	\$20.00
41	4" EPDM Full Flange Water Meter Gasket	2	\$55.79	\$111.58	\$30.00	\$60.00
42	6" EPDM Full Flange Water Meter Gasket	2	\$110.63	\$221.26	\$44.00	\$88.00
43	8" EPDM Full Flange Water Meter Gasket	2	No Bid	No Bid	\$65.00	\$130.00
44	10"EPDM Full Flange Water Meter Gasket	2	No Bid	No Bid	\$75.00	\$150.00
45	1.5" Meter Installation Hardware Stainless Steel Bolt Pack	1	No Bid	No Bid	\$33.00	\$33.00
46	2" Meter Installation Hardware Stainless Steel Bolt Pack	1	\$17.80	\$17.80	\$50.00	\$50.00
47	4" Meter Installation Hardware Stainless Steel Bolt Pack	1	\$35.45	\$35.45	\$115.00	\$115.00
48	6" Meter Installation Hardware Stainless Steel Bolt Pack	1	\$55.88	\$55.88	\$186.00	\$186.00
49	8" Meter Installation Hardware Stainless Steel Bolt Pack	1	\$59.10	\$59.10	\$186.00	\$186.00
50	10" Meter Installation Hardware Stainless Steel Bolt Pack	1	\$168.10	\$168.10	\$535.00	\$535.00
51	3/4" EPDM Beveled Type Compression Fitting Washer	1000	No Bid	No Bid	No Bid	No Bid
52	3/4" EPDM Water Meter Compression Yoke Washers	1000	No Bid	No Bid	No Bid	No Bid
53	1" EPDM Beveled Type Compression Fitting Washer	1000	No Bid	No Bid	No Bid	No Bid
54	1" EPDM Water Meter Compression Yoke Washers	1000	No Bid	No Bid	No Bid	No Bid
GRAND TOTAL					\$25,894.99	\$163,752.00

; and

WHEREAS, the bid received from Core & Main LP, whose address is 5142 Hurley Pond Road, Farmingdale, NJ 07727 failed to include a fully executed bid bond; and

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

WHEREAS, in a memo dated February 16, 2024, the Director of Public Works has reported that Ferguson Waterworks, whose address is 507 Oak Glen Road, Howell, NJ 07731, is responsive and has recommended that a contract be awarded, for the PROVISION OF WATER METERS, for items one (1) through three (3), thirty-seven (37) through forty (40) and forty-six (46) through fifty (50), in an amount not to exceed \$25,562.15 for a period of one year expiring on March 31, 2025 with the option to renew for one (1) two-year or two or (2) one-year extensions on the same terms and conditions at the exclusive option of the Township ; and

WHEREAS, to ensure that the Department of Public Works, Water Utility Division is able to obtain the required water meters that are not provided on the responsive bid, the Director of Public Works has confirmed in a correspondence dated February 22, 2024, that the current contractor Core & Main LP, whose address is 5142 Hurley Pond Road, Farmingdale, NJ 07727, will continue to provide the water meters at the prices awarded under Bid 2021-08 for an additional one month period, expiring on April 30, 2024 in the amount not to exceed \$10,000.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council hereby confirms a one month extension of the contract with Core & Main, whose address is 5142 Hurley Pond Road, Farmingdale, NJ 07727 for the provision of water meters under the contract pricing of Bid # 2021-08 expiring on April 30, 2024 in an amount not to exceed \$10,000.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Ferguson Waterworks, whose address is 507 Oak Glen Road, Howell, NJ 07731 in an amount not to exceed \$25,562.15 for the PROVISION OF WATER METERS, items one (1) through three (3), thirty-seven (37) through forty (40) and forty-six (46) through fifty (50).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Ferguson Waterworks, whose address is 507 Oak Glen Road, Howell, NJ 07731 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$25,562.15 for the aforesaid contract with Ferguson Waterworks, whose address is 507 Oak Glen Road, Howell, NJ 07731 in Water Capital Accounts #06-215-20-06D-500297 & #06-215-21-05G-500297.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$10,000.00 for the aforesaid contract extension with Core & Main, whose address is 5142 Hurley Pond Road, Farmingdale, NJ 07727 in Water Capital Account #06-215-21-05G-500297.

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

- a. Ferguson Waterworks
- b. Core & Main LP
- c. Business Administrator
- d. Director of Public Works
- e. Chief Financial Officer

RESOLUTION #2024-085

A RESOLUTION AUTHORIZING THE REJECTION OF BID AND AUTHORIZING A ONE-MONTH CONTRACT FOR THE PROVISION OF HVAC MAINTENANCE SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro advertised for the acceptance of bids for the PROVISION OF HVAC IMPROVEMENTS (Bid 2024-03), and on January 31, 2024 received no bids; and

WHEREAS, the Township of Marlboro re-advertised for the acceptance of bids for the PROVISION OF HVAC IMPROVEMENTS (Bid 2024-03B), and on February 21, 2024 received two (2) proposals as follows:

	Air Systems Maintenance 718 Jefferson Avenue Kenilworth, NJ 07033	Crystal Air Associates 6 Ryan Road Marlboro, NJ 07746
Item 1 - Maintaining all equipment at the Police, Court and Administration building as listed in the specifications	\$20,000.00*	\$18,185.00
Item 2 - Maintaining all equipment at the Administration Annex building as listed in the specifications	\$10,000.00*	\$985.00
Item 3 - Maintaining all equipment at the Traffic and Safety Sign Shop building as listed in the specifications	\$5,000.00	\$490.00
Item 4 - Maintaining all equipment at the Police Annex/Evidence Building and Cellular Tower Equipment Shelter as listed in listed in the specifications	\$5,000.00	\$1,600.00
Item 5 - Maintaining all equipment at the Grounds Maintenance Building as listed in the specifications	\$5,000.00	\$1,695.00
Item 6 - Maintaining equipment for the Fleet/Road Building and Fleet /Road Building Annex facilities as listed in the specifications	\$5,000.00	\$3,205.00

Item 7 - Maintaining equipment for the Recreation Center as listed in the specifications	\$10,000.00*	\$9,985.00
Item 8 - Maintaining equipment for the Morganville Senior Center as listed in the specifications	\$5,000.00	\$1,605.00
Item 9 - Maintaining equipment for the Library as listed in the specifications	\$10,000.00	\$7,120.00
Item 10 - Maintaining equipment for the Morganville First Aid Building as listed in the specifications	\$5,000.00	\$1,265.00
Item 11 - Maintaining equipment for the Marlboro First Aid Building as listed in the specifications	\$5,000.00	\$1,600.00
Item 12- Maintaining equipment for the Marlboro Country Park and Swim Club as listed in the specifications	\$5,000.00	\$285.00
Item 13 - Maintaining equipment for the Water Utility facilities as listed in the specifications	\$5,000.00	\$4,935.00
Item 14 - Maintaining equipment for the Morganville Fire House as listed in the specifications	\$5,000.00	\$2,500.00
Item 15 - Total of proposals in item 1 thru 14 (for the purpose of award of contract)	\$100,000.00**	\$55,455.00

* As per page 8, section 6 item c of the bid specs, if the written amount and corresponding figure amount do not agree, the written words shall be binding

**Total bid was adjusted to match the total of the written figures provided

; and

WHEREAS, the bid received from Crystal Air Associates Inc., whose address is 6 Ryan Road, Marlboro, NJ 07746 failed to include a fully executed bid bond; and

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

WHEREAS, in a memo dated February 22, 2024, the Director of Public Works has reported that the bid received from Air Systems Maintenance, Inc., whose address is 718 Jefferson Avenue, Kenilworth, NJ 07033 exceeds the Township's budgeted costs for the PROVISION OF HVAC MAINTENANCE SERVICES; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; and

WHEREAS, in order to ensure that the Department of Public Works can obtain the required HVAC Maintenance Services, the Director of Public Works requested a contract extension from the current vendor, McCloskey Mechanical Contractors, Inc. whose address is 445 Lower Landing Road, Blackwood, NJ 08012 under bid #2021-02, however the current contractor declined to extend the current contract pricing; and

WHEREAS, the Director of Public Works has obtained quotes for the HVAC Maintenance Services and received three (3) quote as follows,

		Crystal Air Associates, Inc. 6 Ryan Rd Marlboro, NJ 07746	Air Systems Maintenance 718 Jefferson Ave Kenilworth, NJ 07033	McCloskey Mechanical Contractors, Inc. 445 Lower Landing Rd Blackwood, NJ 08012
NO.	ITEM	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Technician Hourly Rate	\$ 110.00	\$ 140.00	\$ 135.00
2	Technician Overtime Hourly Rate	\$ 200.00	\$ 210.00	\$ 202.50
3	Technician Sunday and Holiday Rate	-	-	\$ 270.00
4	Markup Rate for Parts	25%	20%	15%

; and

WHEREAS, the Director of Public Works has recommended that a contract be awarded to Crystal Air Associates Inc., whose address is 6 Ryan Road, Marlboro, NJ 07746 at a rate of \$110 per hour, and an overtime rate of \$200 per hour with parts to be charged at 25% above cost, for a period of one month expiring on March 31, 2024 in an amount not to exceed \$6,200.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid received for the project titled PROVISION OF HVAC MAINTENANCE SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (Bid 2024-03) is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(b).

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

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Crystal Air Associates Inc., whose address is 6 Ryan Road, Marlboro, NJ 07746 for a period of one month expiring on March 31, 2024 in an amount not to exceed \$6,200.00 for the PROVISION OF HVAC MAINTENANCE SERVICES.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Crystal Air Associates Inc., whose address is 6 Ryan Road, Marlboro, NJ 07746 for a period of one month expiring on March 31, 2024 in an amount not to exceed \$6,200.00 for the PROVISION OF HVAC MAINTENANCE SERVICES.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$6,200.00 are

available for the aforesaid contract in Operating Account 01-201-26-122-276.

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

- f. Crystal Air Associates Inc.
- g. Business Administrator
- h. Director of Public Works
- i. Chief Financial Officer

RESOLUTION #2024-086

EMERGENCY TEMPORARY APPROPRIATION PRIOR TO ADOPTION OF
THE BUDGET

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

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2024 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$32,121,566.49 for the municipal budget, \$9,181,520.36 for the operations of the water utility, and \$1,705,239.44 for the operations of the recreation and swim utility; and

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

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

RESOLUTION #2024-087

RESOLUTION AUTHORIZING APPLICATION TO 2024 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 2022 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 2022 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

; 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 1st through April 30th, 2024, 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 Township Council of the Township of Marlboro hereby authorizes that an application be made to the 2024 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 #2024-088

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF PARK COURT IMPROVEMENTS FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2023 capital program (2023-145-30) authorized court improvements at the Woodcliff Park (P-22-00146); and

WHEREAS, the Recreation Department has requested additional court improvements to Wicker Park as part of its 2024 capital program (2024-145-31) (P-22-00148); and

WHEREAS, the Township of Marlboro advertised for the receipt of bids (2024-06) for the provision of PARK COURT IMPROVEMENTS for the Township of Marlboro Recreation Department Division (the "Services"), and on February 14, 2024 received six (6) bids, as follows:

	Shore Top Construction Corp. 23 Yellow Brook Rd. Freehold, NJ 07728	Precise Construction Inc. 1016 Highway 33 Freehold, NJ 07728	L&L Paving Company, Inc. 89 Yellowbrook Rd. Farmingdale, NJ 07727	Halecon Inc. 136 Billion St. Bridgewater, NJ 08807	D'Avelleno Construction Inc. 62 Court St. Suite 2 Freehold, NJ 07728	Harshi Construction 1 Wren Court Edison, NJ 08820
Base Bid : Woodcliff & Wicker Park Court Improvements	\$175,700.00	\$187,150.00	\$201,475.00	\$234,875.00	\$271,028.00	\$341,280.00
Alt. A : Fencing	\$6,000.00	\$10,200.00	\$13,800.00	\$18,000.00	\$14,400.00	\$40,000.00
Alt. B : Tree Removal	\$1,600.00	\$1,500.00	\$4,800.00	\$3,500.00	\$2,200.00	\$12,000.00
Total	\$183,300.00	\$198,850.00	\$220,075.00	\$256,375.00	\$287,628.00	\$393,280.00

; and

WHEREAS, the Township Engineer has reviewed the bids received and in a memo dated February 20, 2024, recommends that the Contract for the Services be awarded to the lowest bidder, Shore Top Construction Corp., whose address is 23 Yellow Brook Road, Freehold, NJ 07728, for the base bid and both bid alternates A & B, in an amount not to exceed \$183,300.00 for the provision of PARK COURT IMPROVEMENTS; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for the provision of PARK COURT IMPROVEMENTS for the Township of Marlboro Recreation Department be and is hereby awarded to Shore Top Construction Corp.,

whose address is 23 Yellow Brook Road, Freehold, NJ 07728 for the base bid and both alternates A & B, in a contract amount not to exceed \$183,300.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Shore Top Construction Corp., whose address is 23 Yellow Brook Road, Freehold, NJ 07728 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that sufficient funds are available in the Reserve for Insurance Account 01-286-55-004 and Capital Accounts #04-215-19-01J-145288, #04-215-20-05G-145288, #04-215-21-04L-145288 & #04-215-23-05O-145288.

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

- a. Shore Top Construction Corp.
- b. Township Business Administrator
- c. Director of Recreation
- d. Chief Financial Officer

RESOLUTION #2024-089

RESOLUTION CONFIRMING SALE OF SOLAR RENEWABLE ENERGY
CREDITS (SRECS) THROUGH INTERNET-BASED AUCTIONS

WHEREAS, the Township Council approved Resolution #2024-076 which authorized an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as the on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform at a fee of \$3.00 per SREC for the sale of S-RECS generated and to be generated between June 1, 2023 and May 31, 2025 (Energy Year 2024 or "EY 2024" and Energy Year 2025 or "EY 2025"); and

WHEREAS, pursuant to Resolution #2024-076, Marex Spectron conducted auctions for each of four options, as follows:

Option 1: Sale of SRECs generated and anticipated to be generated between June 1, 2023 and May 31, 2025 (Energy Years 2024 and 2025)

Option 2: Sale of SRECs generated and anticipated to be generated between June 1, 2023 and May 31, 2024 (Energy Year 2024)

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

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

; and

WHEREAS, Marex Spectron reported that Ecogy Pennsylvania Systems LLC, 9 Binney Lane, Old Greenwich, CT 06870 was the high bidder on options 1-4, as follows:

Option 1: \$200/SREC

Option 2: \$208/SREC

Option 3: \$200/SREC

Option 4: \$208/SREC

WHEREAS, pursuant to Resolution #2024-076, the Mayor, or his designee, is authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney with the responsible bidder(s) which offer(s) the highest per credit price for the option deemed to be in the best interest of the Township, provided the bid accepted offers a per SREC price equal to or higher than \$205.00, and shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award; and

WHEREAS, it has been determined that proceeding with Option 2 is in the best interest of the Township at this time, and, as such, the Township has entered into an agreement with Ecogy Pennsylvania Systems LLC, 9 Binney Lane, Old Greenwich, CT 06870 for the sale of 900 EY 2024 SRECs at a price of \$208.00 per SREC.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby confirms the acceptance of the offer by Ecogy Pennsylvania Systems LLC, 9 Binney Lane, Old Greenwich, CT 06870 to purchase 900 EY 2024 SRECs generated by the Water Utility at a price of \$208.00 per SREC.

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

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

At 6:12 p.m., Councilman Scalea moved that the meeting be called to a recess. This was seconded by Councilwoman Viridi, and approved by a unanimous voice vote.

At 6:49 p.m. the budget workshop began with Business Administrator Jonathan Capp presenting an overview of the 2024 Municipal Budget.

Council reviewed the budgets from the following departments:

Public Works - Bob Miller, Director of Public Works

Community Development - Trevor Taylor, Engineer

Public Safety - Chief Peter Pezzullo

Recreation - Suzi 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 21, 2024 council meeting.

At 8:50 p.m., Councilman Qazi moved that the meeting be adjourned. This was seconded by Councilwoman Viridi, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 21, 2024

OFFERED BY: QAZI

AYES: 3

SECONDED BY: VIRDI

NAYS:0

ABSTAIN: MILMAN

ABSENT: SCALEA

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
032124

ANTOINETTE M. DINUZZO,
COUNCIL PRESIDENT