

MARLBORO TOWNSHIP COUNCIL MEETING

May 6, 2021

The Marlboro Township Council held its regularly scheduled meeting remotely on May 6, 2021 at 7:00 P.M.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on May 3, 2021; published in the Asbury Park Press on January 16, 2021; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Municipal Clerk called the Roll.

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

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

Council Vice President Metzger moved that the Council meeting minutes of April 22, 2021 was approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2021-177/Ordinance #2021-014 (Amending Section 138-35 Entitled "Applicability of Title 39, Subtitle 1, to Certain Premises" of the Marlboro Township Code to Revise Certain Language Solely Applicable to the Requirements for Applicability of Title 39) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea. Council President Cantor opened the Public Hearing on Ordinance #2021-014. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor. Councilwoman Mazzola abstained.

RESOLUTION #2021-177

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

ORDINANCE #2021-014

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

which was introduced on April 22, 2021 at a public hearing remotely held on 6<sup>th</sup> of May, 2021, be adopted on second and final reading this 6<sup>th</sup> day of May, 2021.

BE IT FURTHER RESOLVED, that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE #2021-014

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

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

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

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

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

The following Resolution #2021-178 (Authorizing Award of Bid - Provision of Emergency Water Main Repairs) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Council President Cantor abstained.

RESOLUTION #2021-178

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

WHEREAS, the Township of Marlboro as part of its 2021 capital program (500-27) authorized various water system improvements including emergency repairs; and

WHEREAS, the Township of Marlboro authorized the receipt of bids (2021-07) for the provision of emergency water main repairs for the Township of Marlboro Water Utility Division (the "Services") and on March 10, 2021 received six (6) bids therefore; and

WHEREAS, the six (6) bids received are summarized as follows:

	Category I - Labor	Category II - Equipment	Category III - Materials and Other	Category IV - Mobilization/ Demobilization	Total
<b>Lucas Construction Group, Inc.</b>	<b>69,008.00</b>	<b>16.00</b>	<b>31,000.00</b>	<b>1,077.00</b>	<b>101,101.00</b>
Crest Construction Group, LLC	164,000.00	55,800.00	33,000.00	10,000.00	262,800.00
B&W Construction	119,404.00	73,000.00	33,000.00	5,000.00	230,404.00
Messercola Excavating	107,000.00	75,000.00	36,000.00	10,000.00	228,000.00
J.F. Kiely Construction Co.	170,600.00	25,000.00	33,000.00	31,070.00	259,670.00
J. Fletcher Creamer & Son, Inc.	79,008.08	16.00	32,500.00	10.00	111,534.08

WHEREAS, the Director of the Department of Public Works has reviewed the bids received and in a memo dated April 30, 2021, recommends that the Contract for the Services be awarded to Lucas Construction Group, Inc. as the lowest bidder, whose address is P.O. Box 8939, Red Bank, New Jersey 07701, for the total bid price amount not to exceed \$101,101.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Water Capital Account No. 06-215-21-05H-500288 for the Services; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for Emergency Water Main Repairs for the Township of Marlboro Department of Public Works be and is hereby awarded to Lucas Construction Group, Inc., P.O. Box 8939, Red Bank, New Jersey 07701 for a contract amount not to exceed \$101,101.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

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

- a. Lucas Construction Group, Inc.
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer

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

RESOLUTION #2021-179

AUTHORIZING APPROVAL TO SUBMIT AN GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
FY 2021 Local Recreation Improvement Grant (LRIG)

WHEREAS, Governor Murphy has appropriated \$2.5 million in the FY2021 budget for the Local Recreation Improvement Grant to support urgent improvement and repairs to public recreation facilities during this time of heightened community need; and

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

WHEREAS, the Township of Marlboro wishes to apply for funding in the estimated amount of \$325,000.00 through this program to improve and repair recreation facilities in its parks including Nolan Park, Hawkins Park, Woodcliff Park, Marlboro Crossing Park and the Recreation Center as identified in its multi-year capital plan.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Marlboro formally approves the grant application for the FY 2021 Local Recreation Improvement Grant (LRIG) program to improve and repair recreation facilities in Township parks.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as FY 2021 Local Recreation Improvement Grant (LRIG) to the New Jersey Department of Community Affairs on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Township of Marlboro recognizes and accepts that the Department may offer a lesser or greater amount

and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Marlboro and the New Jersey Department of Community Affairs.

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

RESOLUTION #2021-180

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of a revenue in the budget of the year 2021 in the sum of \$9,000.00, which has been awarded to the municipality for the "2021 Distracted Driving Crackdown" Grant.

Section 2

BE IT FURTHER RESOLVED, that the amount of \$9,000.00 be hereby appropriated under the caption "2021 Distracted Driving Crackdown" Grant.

RESOLUTION #2021-181

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of

any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of a revenue in the budget of the year 2021 in the sum of \$6,000.00, which has been awarded to the municipality for the "2021 Click it or Ticket" Grant.

Section 2

BE IT FURTHER RESOLVED, that the amount of \$6,000.00 be hereby appropriated under the caption "2021 Click it or Ticket" Grant.

RESOLUTION #2021-182

AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR MARLBORO TOWNSHIP  
MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2022

Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle July 2020-June 2025  
(FORM 1B)

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Marlboro, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Marlboro Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$ <u>18,700.00</u>
Cash Match	\$ <u>4,675.00</u>
In-Kind	\$ <u>14,025.00</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #2021-183

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$230,613.97 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$230,613.97 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2020-029	193.02/54.19	Bernie K. Brevdeh 881 Circle Avenue Franklin Lakes, NJ 07417 Assessed Owner: Nimirovsky, Mark & Inga	2,894.23
2020-046	360.02/18.17	FNA, DZ, LLC 120 N Lasalle St., Suite 1220 Chicago, IL 60602	151,903.29

Assessed Owner:  
Fishman, Michael & Lisa

2019-041 412.01/75 Sunshine State Certificates 75,816.45  
7900 Miami Lakes Drive West  
Miami Lakes, FL 33016  
Assessed Owner:  
Blitz 12 Elisa, LLC

RESOLUTION #2021-184

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE  
Lloyd Road Water Main Replacement FOR THE TOWNSHIP OF  
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the Lloyd Road Water Main Replacement in the Township of Marlboro (2021-04); 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 provision or performance of the goods or services; and

WHEREAS, six (6) bids were received on April 8, 2021, all of which were significantly in excess of the Township's budgeted cost.

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 Lloyd Road Water Main Replacement for the Township of Marlboro is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to rebid the contract for the Lloyd Road Water Main Replacement for the Township of Marlboro.

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).

At 7:38 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot.



MINUTES APPROVED: June 18, 2021

OFFERED BY: MAZZOLA

AYES: 4

SECONDED BY: METZGER

NAYS: 0

ABSENT: SCALEA

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
061821

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JEFF CANTOR,  
COUNCIL PRESIDENT