

MARLBORO TOWNSHIP COUNCIL MEETING

January 26, 2022

The Marlboro Township Council held its regularly scheduled meeting on January 26, 2022 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

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 January 21, 2022; published in the Asbury Park Press on December 21, 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: 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

Citizen's Voice: Frank Festa of 1727 Ramapo way Scotch Plains, New Jersey thanked the Council President for inviting him to the meeting, and requested a copy of a recent court order from the Township Attorney.

Walter Solomon of 43 Samantha Drive congratulated the new council members, and provided an update on the construction that took place at his neighbor's house at 606 Robert Court.

William Waple of 16 Calder Court invited the council to attend the 2022 community events such as Memorial Day, Labor Day and the 911 Memorial ceremony. He believes that the new council will work very well together, and he looks forward to seeing them all at upcoming community events.

Council Speaks Out: Councilwoman Marder provided her support for the grant item on the agenda. She stated that the Township would receive the grant due to the hard work and dedication of the recreation department and the funds would go to playground facility improvements. Councilman Milman thanked all the citizen voice

speakers and stated that he is looking forward to attending the Township's upcoming community events. Council Vice President DiNuzzo echoed Councilman Milman's sentiments that she was also looking forward to attending all the Township events this coming year.

Administrative Report: Mayor Hornik stated that the vendors from the Marlboro Farmers Market have products available all winter. Their products are available through local drop-off, delivery and storefront pickup. The farmers market will reopen in the spring. The recreation department now has seasonal job openings available and registration for winter programs and spring soccer are now open. The Mayor proceeded with his support for the agenda items such as the \$75,000 grant from New Jersey Local Government Services that was awarded to the Township for improvements to recreation facilities and parks. The Mayor was pleased to announce that the National Law Enforcement Memorial and Museum has recognized Lieutenant Nick Szymanski, Sergeant John Bise, Sergeant Andrew Goldberg and Communications Operator Paul Lorenz as December 2021 Officers of the Month for saving the life of an elderly woman while off duty. The Mayor thanked the officers for their dedication and commitment to their profession on and off the job. The Covid testing truck continues to be available in the Swim Club parking lot. The County also has testing and vaccine sites and the State of New Jersey is offering free Covid rapid home tests. The Mayor condemned the hostage situation that took place just outside Dallas-Fort Worth, TX at Congregation Beth Israel during their Saturday services. None of the hostages nor the Rabbi were harmed and the suspect was killed. The Rabbi credited the active shooter training he received for their survival and escape. Mayor Hornik noted that in Marlboro, our police regularly meet with religious organizations and schools to assess and address their security procedures. In closing, the Mayor asked that everyone prepare for and remain safe during the winter storm that would hit the area over the weekend.

Councilman Scalea moved that the Council meeting minutes of December 29, 2021 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 2 - 0 in favor. Council President Qazi, Council Vice President DiNuzzo and Councilman Milman abstained.

Councilwoman DiNuzzo moved that the Reorganization meeting minutes of January 6, 2022 be approved. This was seconded by Councilman Milman, and passed on a roll call vote of 5 - 0 in favor.

The following Ordinance #2022-001 (Amending Section 220-8 of the Code of the Township of Marlboro - Appointment of Zoning Board Members) was introduced by reference, offered by Councilman Milman, seconded by Councilwoman DiNuzzo and passed on a roll call vote of 3 - 0 in favor. Councilwoman Marder and Councilman voted no.

ORDINANCE #2022-001

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

BE IT ORDAINED, by the Township Council of the Township of Marlboro, that Section 220-8(A) of the Code of the Township of Marlboro shall be amended to read as follows:

A. Establishment and composition.

- (1) A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., as amended, consisting of seven residents of the Township of Marlboro appointed by the Township Council to serve for terms of four years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial term of no member shall exceed four years. Thereafter, the term of each member shall be for four years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.
- (2) No member of the Zoning Board of Adjustment may hold any elective office or position under the Township, except that one member may be a member of the Planning Board.
- (3) A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- (4) There shall be two alternate members appointed by the Township Council and designated by the Township Council as "Alternate No. 1" and "Alternate No. 2," each for a term of two years. Alternate members may participate in discussions of the proceedings but not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- (5) Quorum. If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest

therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.

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

The following Ordinance #2022-002 (Appropriating a \$75,000 Grant to be Received by the Township for Improvements to Playground Facilities) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2022-002

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$75,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO RECREATION FACILITIES IN PARKS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than a majority of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The \$75,000 grant expected to be received by the Township from the New Jersey Division of Local Government Services Local Recreation Improvement Grant Program is hereby appropriated for the purpose of providing funds for improvements to recreation facilities in Township parks, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital

budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with law.

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

RESOLUTION #2022-045

RESOLUTION AMENDING RESOLUTION #2022-012 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO ARCHER & GREINER, P.C. AS ALTERNATE BOND COUNSEL FOR THE YEAR 2022

WHEREAS, on January 6, 2022 the Township of Marlboro adopted Resolution #2022-012 authorizing a contract with Archer & Greiner, P.C. as Alternate Bond Council for the period of January 1, 2022 through December 31, 2022, pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, an amendment to the initial authorization is required in light of the fact that the value of the Professional Services Contract may exceed \$17,500.00 in the aggregate; and

WHEREAS, ARCHER & GREINER, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that ARCHER & GREINER, P.C. has not made any reportable contributions to a political or candidate committee in the TOWNSHIP OF MARLBORO in the previous one year, and that the contract will prohibit ARCHER & GREINER, P.C. from making any reportable contributions through the term of the contract; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any are requested; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Archer & Greiner, P.C. as Alternate Bond Counsel.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that this amendment to the Professional Services Contract between Archer & Greiner, P.C. and the Township of Marlboro pursuant to a non-fair and open process in

accordance with the provisions or NJSA 19:44-20.4 is hereby authorized.

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

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

- a. Archer & Greiner, P.C.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Township Attorney

RESOLUTION #2022-046

RESOLUTION APPOINTING GAIL SACK AS A MEMBER OF THE BOARD OF TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to appoint GAIL SACK to the Board of Trustees of the Marlboro Free Public Library, for an unexpired term ending August 10, 2023.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of GAIL SACK.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the appointment of GAIL SACK as a member of the Board of Trustees of the Marlboro Free Public Library without compensation for an unexpired term ending August 10, 2023 is hereby confirmed.

BE AND IT IS FURTHER RESOLVED, that this appointment is made pursuant to NJSA 40:54-9 et. seq. and Section 4-93 of the Marlboro Code.

RESOLUTION #2022-047

RESOLUTION AUTHORIZING AWARD OF STATE OF NEW JERSEY, MONMOUTH COUNTY AND EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) CONTRACTS TO VARIOUS VENDORS FOR THE PURCHASE OF AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF VEHICLE

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, a municipality is also authorized to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from bids obtained by a cooperative pricing system such as the Monmouth County or Educational Services Commission of New Jersey (ESCNJ) pricing systems pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the State of New Jersey, the Monmouth County Cooperative Purchasing Program and ESCNJ have conducted public bid processes and awarded contracts to various vendors for the provision of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES; and

WHEREAS, the vendors awarded contracts by the State of New Jersey, Monmouth County and the ESCNJ have agreed to extend the bid prices to Marlboro Township; and

WHEREAS, in order to maintain a large inventory of vehicles and equipment, including those used by police officers and snowplow operators, Vehicle Maintenance requires access to a wide variety of vendors able to satisfy orders of parts on a timely basis, regardless of the type of repair needed or item of equipment requiring repair; and

WHEREAS, at this time, the Director of Public Works Department has recommended that authorization be given to select from a pool vendors qualified by the State of New Jersey, Monmouth County and the ESCNJ, depending upon the Department's needs as they arise, as follows:

<b>Monmouth County Cooperative Purchasing</b>		
<b>Vendor</b>	<b>Contact Number</b>	<b>Amount</b>
Mid Atlantic Truck Center	F-14-2022	\$25,000.00
Van Winkle Auto Supply	F-25-2022; F-55-2022	\$8,000.00
Memphis Equipment Corp.	F-19-2021	\$10,000.00
Jesco	F-46-2020	\$2,500.00
Varga Transmissions	F-5-2022	\$5,000.00
Freehold Dodge	F-35-2021	\$35,000.00
Sea Coast Chevrolet	F-57-2021	\$5,000.00
C&M Auto Parts	F-3-2022; F-25-2022	\$5,000.00
Brices Auto Supply	F-34-2021	\$3,000.00
Electro Batteries, Inc.	F-35-2022	\$5,000.00
Service Tire Truck Center	F-12-2022	\$10,000.00

At Northern New Jersey LLC	F-14-2022	\$25,000.00
Allied Diesel	F-55-2020	\$3,000.00
Sea Breeze Ford	F-57-2021	\$3,000.00

<b>Educational Services Commission of New Jersey</b>		
<b>Vendor</b>	<b>Contract Number</b>	<b>Amount</b>
Sanitation Equipment Corporation	20/21 - 55	\$7,500.00
Foley Inc.	18/19 - 25	\$25,000.00
Storr Tractor	18/19 - 25	\$15,000.00
Trius, Inc	18/19 - 25	\$10,000.00
Hudson County Motors	20/21 – 55	\$4,000.00
Groff	18/19 - 25	\$2,000.00
David Weber Co.	18/19 - 19	\$5,000.00
Omaha Standard	20/21 – 55	\$15,000.00
Parts Authority, LLC	20/21 – 38	\$10,000.00
W.E. Timmerman	20/21 – 55	\$3,000.00

<b>State Contract</b>		
<b>Vendor</b>	<b>Contract Number</b>	<b>Amount</b>
C & M Auto Parts	86059	\$20,000.00
Service Tire Truck Center	20-FLEET-00948	\$20,000.00
Chemung Supply	88262	\$15,000.00
Creston Hydraulics	40823, 89297, 88272	\$15,000.00
A & K Equipment	88273	\$10,000.00
Brown Hunterdon Mack	42082	\$15,000.00
D & W Diesel	42124	\$5,500.00
Norman's Auto Services	21-GNSV1-01498	\$5,000.00
Norcia	42083, 89298	\$3,500.00
Perth Amboy Springs	89276	\$7,500.00
David Weber Oil	20-FLEET-01343	\$18,000.00
Varga Transmission Center	40828	\$7,000.00
Trius, Inc.	85856	\$30,000.00
Sea Coast Chevrolet	40799	\$3,000.00
Aurora Environmental	42274	\$10,000.00
Kaldor Emergency Lighting	42123	\$15,000.00
Linde Gas & Equipment	83289; 83290	\$2,500.00
HA DeHart	88264	\$10,000.00
Joseph Fazzio Steel	19-FLEET-01112	\$5,000.00
B. J. and M. Auto	89295	\$2,500.00
NAPA Genuine Parts Company	42104; 42093	\$70,000.00
Fastenal	19-FLEET-00565	\$5,500.00
Edwards Tire	20-FLEET-00948	\$55,000.00
Air Brake & Equipment	42086, 89279	\$5,000.00
Campbell Freightliner	89264-42074	\$5,000.00

Freehold Ford	86005	\$15,000.00
Storr Tractor	43038	\$10,500.00
Stephan L.Green trailer	19-FLEET-00880	\$3,000.00
Gabrielli Kenworth	83009	\$7,500.00
Lawson	42111	\$3,000.00
Hoover Truck Center	89257	\$5,000.00
Custom Bandag Inc.	20-FLEET-00948	\$5,000.00
Mid Atlantic Truck	42075	\$10,000.00
Finger's Radiator	89253	\$3,000.00
A & A Truck Parts	19-GNSV1-00652	\$2,000.00
Johnson & Tower, Inc.	42098	\$10,000.00
Sanitation Truck Repair	89290	\$2,500.00
Allied Diesel Service	42107	\$3,000.00
Elite Emergency Lights	17-FLEET-00749	\$5,000.00

; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain auto and truck parts and supplies under State Contract and through the State Contracts, the Monmouth County and ESCNJ Purchasing Cooperatives in order to maintain the Township vehicle fleet; and

WHEREAS, funds, subject to available budget appropriations will be certified by the Chief Financial Officer at the time of order; and

WHEREAS, the Township Council desires to approve the purchase of said AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES under the various State Contracts, and through the Monmouth County and ESCNJ Purchasing Cooperatives.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the vendors and under the State Contracts identified above in an amount not to exceed \$444,500.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$144,500.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby

granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors pursuant to the bid obtained by the ESCNJ Cooperative Purchasing Program, for a total amount not to exceed \$96,500.00.

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

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

RESOLUTION #2022-048

A RESOLUTION APPROVING CHANGE ORDER NO. 1  
FOR THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO  
AND LGB MECHANICAL, INC.

WHEREAS, by Resolution #2021-144 the Township of Marlboro authorized the award of a contract to LGB Mechanical, Inc. for the Municipal Building Chiller Replacement (the "Project"); and

WHEREAS, a Change Order of \$23,351.00 has been recommended as detailed in a memo from the Director of Public Works, resulting in an increase in the original contract amount of \$243,225.00 to \$266,576.00; and

WHEREAS, the Township Engineer has recommended approval of Change Order No. 1; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$23,351.00 from Capital Account 04-215-20-05F-122298.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 be and is hereby approved, increasing the original contract total of \$243,225.00 to \$266,576.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 is hereby approved.

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

- a. LGB Mechanical, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2022-049

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR  
WATER IMPROVEMENTS AT THE SITE KNOWN AS LOITZK BATIM, LLC  
(MARLBORO ESTATES LLC),  
BLOCK 119, LOT 31.11-31.17, LOCATED AT THE INTERSECTION OF TEXAS  
ROAD AND FALSON LANE, MARLBORO TOWNSHIP, MONMOUTH COUNTY, NEW  
JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Heshy Tessler for a reduction in the Township held Performance Guarantees in the form of a Performance Surety Bond and Cash Deposit for water improvements ("Public Improvements") on the Site known as "Marlboro Estates, LLC" (the "Site"), property known as Block 119, Lots 31.11-31.17, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Loitzk Batim, LLC and Loitzk Batim 2, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated January 10, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Performance Surety Bond and Cash Deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated January 10, 202.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Performance Surety Bond and Cash Deposit posted by the Developer, Loitzk Batim, LLC and Loitzk Batim 2, for the site known as "Marlboro Estates, LLC", located on property known as Block 119, Lot 31.11-31.17, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Surety Bond (NGM Insurance Company Bond No. S3222666), in the original and present value of \$113,092.20, shall be reduced by \$72,427.50, so that the remaining amount shall be \$40,664.70.
2. The Cash Deposit, in the original and present amount of \$12,565.80 (excludes accrued interest) shall be reduced by \$8,047.50, so that the amount to remain shall be \$4,518.30;

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints.

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

- a. Loitzk Batim, LLC and Loitzk Batim 2, LLC
- b. NGM Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney

RESOLUTION #2022-050

RESOLUTION AUTHORIZING THE REPLACEMENT OF PERFORMANCE GUARANTEE FOR THE SITE KNOWN AS MORELLO PROPERTIES, LLC, BLOCK 364, LOT 60 & 63 (THE SOUTHERN PORTION OF YELLOW BROOK ROAD) IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Developer, Morello Properties, LLC (the "Developer") delivered a 10% cash surety bond, in the amount of \$98,520.94 and a Performance guarantee issued by Amboy Bank, No. 1927 in the amount of \$886,688.48, (the "Original Letter of Credit") for site improvements on property known as Block 364, Lots 60 & 63, Township of Marlboro, New Jersey; and

WHEREAS, the contract purchaser desires to replace the original cash surety bond in the amount of \$98,520.94 and the performance guarantee with a replacement performance guarantee issued by Capitol Indemnity Corporation, Bond No. CIC1918462 in the respective amounts of \$886,688.48; and

WHEREAS, the Developer requests that the Township accept the Replacement performance guarantee and release and return the Original performance guarantee issued by Amboy Bank to the attention of Antoinette Morello of Morello Properties, LLC; and

WHEREAS, the Township Council is amenable to the release and return of the Original performance guarantee issued by Amboy Bank and the posting of the Replacement Bond issued by Capitol Indemnity Corporation as guarantee of Developer's performance for the site improvements.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it hereby authorizes the release and return of the cash surety bond in the amount of \$98,520.94 and the Performance

Guarantee in the form of a letter of credit issued by Amboy Bank, Letter of Credit No. 1927 in the amount of \$886,688.48, for site improvements on the property known as Block 364, Lots 60 & 63, Township of Marlboro, New Jersey, and the return of same to the attention of Antoinette Morello of Morello Properties, LLC.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the acceptance of the cash surety bond in the amount of \$98,520.94 and the Performance Guarantee issued by Capitol Indemnity Corporation, Bond No. CIC1918462 in the respective amount of \$886,688.48 for site improvements on the property known as Block 364, Lots 60 & 63, Township of Marlboro, New Jersey.

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

- a. Amboy Bank
- b. Capitol Indemnity Corporation
- c. Morello Properties, LLC
- d. Ruffians Run at Marlboro, LLC
- e. Township Business Administrator
- f. Township Engineer
- g. Township Chief Financial Officer
- h. Salvatore Alfieri, Esq.

RESOLUTION #2022-051

EMERGENCY TEMPORARY APPROPRIATION  
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation for the period between the beginning of the current fiscal year and before the adoption of the 2022 Municipal budget; and

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

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2022 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$25,194,851.59 for the municipal budget, \$6,626,469.69 for the operations of the water utility, and \$725,181.26 for the operations of the recreation and swim utility.

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

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2022 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #2022-052

RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION RESERVES  
DURING FIRST THREE MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2021 Municipal Budget) as follows:

CURRENT:			
Account No.	Account	From	To
01-201-23-100-202	(2021) Employee Insurance Other Expenses	\$ 60,000.00	
01-201-25-212-288	(2021) 911 Other Expenses		\$ 60,000.00
		\$ 60,000.00	\$ 60,000.00

RESOLUTION #2022-053

RESOLUTION AUTHORIZING UNEXPENDED 2021 BALANCES BUDGETED FOR  
ACCUMULATED ABSENCES TO BE LAPSED INTO THE ACCUMULATED ABSENCE  
RESERVE PURSUANT TO NJAC 5:30-15

WHEREAS, NJAC 5:30-15 permits a local unit to establish a reserve for the payment of accumulated absences; and

WHEREAS, the Township of Marlboro has established a reserve for accumulated absences; and

WHEREAS, once an accumulated absence reserve is established, unexpended balances budgeted annually for compensated absences may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$276,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$276,000.00 of unexpended 2021 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION #2022-054

RESOLUTION AUTHORIZING UNEXPENDED 2021 BALANCES BUDGETED FOR SNOW REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and

WHEREAS, once a snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$90,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$90,000.00 of unexpended 2021 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION #2022-055

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$123,799.22 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 \$123,799.22 be refunded to the certificate holders as per Schedule "A",

RESOLUTION #2022-056

RESOLUTION AUTHORIZING REFUND TO WESTERN MONMOUTH UTILITIES  
AUTHORITY (WMUA)

WHEREAS, delinquent sewer charges totaling \$2,551.25 were paid to the Township on behalf of Western Monmouth Utilities Authority as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$2,551.25 be refunded to Western Monmouth Utilities Authority.

RESOLUTION #2022-057

TAX OVERPAYMENT

WHEREAS, the attached list in the amount of \$13,370.08 known as Schedule "A", is comprised of amounts representing overpayments for taxes,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

At 7:28 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: FEBRUARY 10, 2022

OFFERED BY: SCALEA AYES: 3

SECONDED BY: MILMAN NAYS: 0

ABSENT: DINUZZO, MARDER

---

SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
021022

---

JUNED QAZI,  
COUNCIL PRESIDENT