

MARLBORO TOWNSHIP COUNCIL MEETING

March 24, 2022

The Marlboro Township Council held its regularly scheduled meeting on March 24, 2022 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

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

The Municipal Clerk called the Roll.

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

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 reviewed a list of documents regarding the proposed building he sent to the Council for consideration. He requested a review of his properties grading plan and was told again to submit an application to the Township's zoning department for review.

Alfred Silverman of 34 Aspen Avenue opposed the possible replacement of Marlboro dispatchers with the Monmouth County 911 service because it is a life safety issue. The Mayor responded that proposal is just preliminary and there would be numerous studies and analyses before anything would be finalized.

Madeline Fernandez of 34 Aspen Avenue, President of the Marlboro Green's association opposed the proposed replacement of Marlboro's emergency dispatch to Monmouth County.

Debbie Antosh of 14 Canadian Woods Road opposed replacing Marlboro's emergency dispatchers with Monmouth County's 911 emergency system.

William Waple of 16 Calder Court thanked business administrator Jonathan Capp, CME engineer Trevor Taylor and Mayor Hornik for addressing his concerns regarding the sidewalks on Route 520.

Cheryl Krenkle of 41 Samantha Drive reviewed her concerns with the ongoing construction at 606 Robert Court. She thanked the Council for what they have done so far but emphasized that more needs to be done to help mitigate the flooding issues at her property.

Jeffery Krenkle of 41 Samantha Drive discussed his concerns with the ongoing construction at 606 Robert Court and wants the construction to be abated. He believes that violations have been sent to the property owners at 606 Robert Court and these violations have not been corrected and no summons have been issued.

Walter Solomon of 43 Samantha Drive stated that the property owners at 606 Robert Court have not completed construction mitigation that was required to be finalized at this point in time. He believes it is time for the township to issue violations for this lack of compliance. He would like to know what the township is doing to correct this lack of compliance. Township Attorney Louis N. Rainone, Esq. stated that the Township has been diligent with what it can do at this point and a summons has already been issued to the property owners at 606 Robert Court.

John Gibardi of 1 Hudson Bay Terrace thanked the newly elected council members recognizing the need for high speed internet with many residents working from home.

Council Speaks Out: Council Vice President DiNuzzo stated that she is very upset and disturbed about the residents objecting to the proposal of possibly replacing the township's emergency dispatchers with Monmouth County's 911 emergency system. She stated that the council would never do anything that would put resident's health and safety in danger. The council will complete ample research before a decision for this service is made. She also thanked the Mayor for helping to bring internet provider Optimum to the township. She appreciated everyone's efforts and for being on the call during the town hall meeting. She asked the residents who spoke during Citizen's voice to not worry because their council is working for them not against them. Councilwoman Marder congratulated the Marlboro Township high school basketball team for their shore conference victory and for making it to the state finals for the first time in Marlboro history. She also provided upcoming recreation events such as the scrambled egg hunt, the big rig rally touch a truck and blood drive with the Marlboro Alliance and Police Department events. Community garden is up and running and currently has a waitlist for new members. Councilman Milman stated that he agreed with Council Vice President DiNuzzo's comments that their intentions are not to

go against the dispatchers. But, they want to do a study to make sure what they are currently doing is the most safe and effective process for resident's safely. He also thanked the Mayor for his help with bringing internet server Optimum to Marlboro. He concluded by stating he loves when residents are involved in Council meetings and encouraged them to continue to put on the pressure to get the service they deserve.

Administrative Report: Mayor Hornik stated that it became clear during the virtual Town Hall meeting with Optimum/Altice that this service is a viable alternative to Optimum and could help to address rising costs and service concerns. It will at least ease the frustrations of customers feeling at the mercy of one internet service provider. He is requesting volunteers to serve on a committee to explore options to bring competition and service reliability to all Marlboro residents. Optimum has been working within the town and the first Marlboro customers will have access to Optimum's 5g network within weeks. The new exercise equipment has been installed along the Municipal Complex walking path and the much-anticipated Cricket Pitch is complete. Sergeant Michael Tischler will be retiring from the Marlboro Township Police Department with more than 25 years of service. The Mayor wished Sergeant Tischler all the best on his retirement and thanked him for his service to the Police and to the Marlboro community. Spring program registration is underway such as the scrambled egg-stravaganza hunt, community blood drive, free rabies clinic and more. The Mayor initiated years ago the 'See Something. Say Something, We will Do Something' initiative to address school shootings across the country and to increase engagement between members of the community and police. He announced an expansion of that initiative to include auto thefts that have occurred in Marlboro and other suburban communities. He asked residents to lock up their cars, garages and homes and to keep an eye on their neighborhoods. If they should see something suspicious, call the police immediately.

Councilman Scalea moved that the Council meeting minutes of March 10, 2022 be approved. This was seconded by Councilman Milman, and passed on a roll call vote of 4 - 0 in favor. Council President Qazi was absent.

The following Ordinance #2022-003 (Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank 2022) 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 Qazi was absent.

ORDINANCE #2022-003

CALENDAR YEAR 2022

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$317,399.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,110,896.50, and that the CY 2022 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Ordinance #2022-004 (Amending Chapter 138, Article XIV of the Code of the Township of Marlboro (Schedule III: No Stopping or Standing)) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor. Council President Qazi was absent.

ORDINANCE #2022-004

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-40 "SCHEDULE III: NO STOPPING OR STANDING", OF ARTICLE XIV OF CHAPTER 138 "VEHICLES AND TRAFFIC", OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY

BE IT RESOLVED, that Section 138-40 Schedule III entitled "No Stopping or Standing" shall be amended as follows:

Name of Street	Side	Intersection
Tennent Road	Both	From Route 79 (Main Street) to Orchard Place

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 apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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; and

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 Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Chief Financial Officer
- c. Chief of Police
- d. Superintendent of Public Works
- e. Township Engineer
- f. Township Attorney

Business Administrator Jonathan Capp provided a presentation of the 2022 Municipal Budget.

The following Resolution #2022-097 (Introduction of the 2022 Municipal Budget) 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 Qazi was absent.

RESOLUTION #2022-097

INTRODUCTION OF THE 2022 BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2022, as introduced by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, May 19, 2022 at the Township of Marlboro Municipal Complex.

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

RESOLUTION #2022-098

RESOLUTION AUTHORIZING THE GRANTING
OF AN AMUSEMENT GAMES LICENSE TO
BIG GAME ZONE, INCORPORATED

WHEREAS, Play Big Zone, Incorporated, 74 Ottawa Road South, Marlboro, NJ 07746 has submitted an application to the Office of the Municipal Clerk for an Amusement Games License pursuant to the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., and such regulations as promulgated under Chapter 3, Office of Amusement Games Control, N.J.A.C. 13:3-1.1 et seq., to operate at its location at 300 Campus Drive, Unit G/H, Morganville, New Jersey; and

WHEREAS, N.J.A.C. 13:3-1.13(a) provides that no license shall be issued in any municipality unless and until the issuance thereof has been authorized by a resolution duly adopted by the municipal governing body which shall, among other things, specifically recite that the premises to be licensed are located in a recognized amusement park in the municipality; and

WHEREAS, Ordinance #2020-004 designates 300 Campus Drive, Unit G/H, Morganville New Jersey, located in Zone IOR (Industrial Office Research District) as a Recognized Amusement Park in accordance with N.J.A.C. 13:3-1.5; and

WHEREAS, the Municipal Clerk has deemed the application of Play Big Zone, Incorporated complete.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Play Big Zone, Incorporated is hereby granted an Amusement Games License to operate at its location at 300 Campus Drive, Unit G/H, Morganville, New Jersey; and

WHEREAS, pursuant to N.J.A.C. 13:3-1.13(b), a certified copy of this resolution, together with a copy of the application endorsed to show the granting of the license, and fees shall be forwarded to the Legalized Games of Chance Control Commission within three business days of the Township license being granted by the Township Council of the Township of Marlboro.

RESOLUTION #2022-099

A RESOLUTION AUTHORIZING CONTRACT EXTENSION ON A MONTHLY BASIS TO FREEHOLD CARTAGE, INC. AND MAZZA RECYCLING SERVICES FOR THE DISPOSAL OF ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on February 21, 2019 (Resolution #2019-098) the Municipal Council of the Township of Marlboro awarded a contracts to FREEHOLD CARTAGE, INC. AND MAZZA RECYCLING SERVICES FOR THE DISPOSAL OF ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, on March 5, 2020 (Resolution #2020-100) the Township authorized the first renewal of the said contracts on the same terms and conditions; and

WHEREAS, on March 4, 2021 (Resolution #2021-129) the Township authorized the second and final renewal of the said contracts on the same terms and conditions; and

WHEREAS, in anticipation of the expiration of the contract on March 31, 2021, the Township of Marlboro has begun the process of obtaining bids for the DISPOSAL OF ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, a contract may be extended by mutual agreement of the parties to the contract when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the Director of Public Works has recommended that the Township extend the current contract with FREEHOLD CARTAGE, INC. AND MAZZA RECYCLING SERVICES on a monthly basis until such time as a new contract can be awarded; and

WHEREAS, FREEHOLD CARTAGE, INC. AND MAZZA RECYCLING SERVICES have consented to same; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the contract be extended on a monthly basis with FREEHOLD CARTAGE, INC. whose address is 825 Highway 33, Freehold, NJ 07728, commencing on April 1, 2022, in a total amount not to exceed \$10,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the contract be extended on a monthly basis with MAZZA RECYCLING SERVICES whose address is 3230 Shafto Road, Tinton Falls, NJ 07753, commencing on April 1, 2022, in a total amount not to exceed \$40,000.00.

BE IT FURTHER RESOLVED, funds in the amount of \$11,500.00 have been certified by the Chief Financial Officer in Capital Account 04-215-20-05C-060288, with additional amounts to be certified at the time materials are ordered.

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

- a. FREEHOLD CARTAGE, INC.
- b. MAZZA RECYCLING SERVICES
- c. Township Business Administrator
- d. Director of Public Works
- e. Chief Financial Officer

RESOLUTION #2022-100

A RESOLUTION AUTHORIZING YEAR 2 OF 3 CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on May 6, 2021 (Resolution #2021-178) the Township Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, in a memo dated March 15, 2022, the Director of Public Works has recommended that the Township approve the first one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with LUCAS CONSTRUCTION GROUP, INC. whose address is P.O. Box 8939, Red Bank, New Jersey 07701 for a period of one year commencing on April 1, 2022 and expiring on March 31, 2023, in a total amount not to exceed \$101,101.00.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer will certify funds in the Water Capital Account for the services upon the adoption of the 2022 Capital Budget.

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

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

RESOLUTION #2022-101

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #19-TELE-00656 TO OCEAN COMPUTER GROUP FOR PURCHASE OF NETWORK SECURITY SERVER APPLIANCES, MIDDLEWARE AND RELATED SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2020 capital program (033-3) and its 2021 capital program (033-4) authorized the purchase of replacement firewalls, networking switches and related hardware for the Marlboro Division of Information Technology ("IT"); and

WHEREAS, the network security server appliances, middleware and related services will replace aging hardware and will ensure that operating systems and capabilities remain current along with creating safety redundancies of firewall, remote access, cloud based management and logging capabilities throughout the Township; and

WHEREAS, the network security server appliances, middleware and related services will additionally allow for an increased transition to cloud based file access and emails allowing for greater remote accessibility and security monitoring capabilities; and

WHEREAS, IT has recommended, in a memo dated March 16, 2022, that the Township purchase the server and storage equipment from Ocean Computer Group, whose address is 90 Matawan Road, Suite 105, Matawan, NJ 07747 under State Contract #19-TELE-00656 in an amount not to exceed \$103,130.33; and

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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the IT Division to obtain the network security server appliances, middleware and related services from Ocean Computer Group; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$103,130.33 from Capital Accounts 04-215-21-04B-033297 and 04-215-20-05B-033297; and

WHEREAS, the Township Council desires to approve the purchase of the network security server appliances, middleware and related services from Ocean Computer Group under State Contract #19-TELE-00656.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the network security server appliances, middleware and related services from Ocean Computer Group, 90 Matawan Road, Matawan, NJ 07747, under State Contract #19-TELE-00656 in an amount not to exceed \$103,130.33.

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

- a. Ocean Computer Group
- b. Township Business Administration
- c. Chief Information Officer
- d. Chief Financial Officer

RESOLUTION #2022-102

A RESOLUTION AUTHORIZING ACCEPTANCE
OF DONATION OF CUSTODIAL SUPPLIES FOR THE
MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, Gabrielle Thornton of WipesPlus: Manufactured by Progressive Products, LLC has donated four thousand and eight hundred containers of sanitizing hand wipes with an estimated value of \$29,644 to the Marlboro Township Police Department; and

WHEREAS, there has been no promises of future employment, services, goods or other thing of value exchanged in return for said donations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donations as described herein are hereby accepted.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to Gabrielle Thornton of WipesPlus: Manufactured by Progressive Products, LLC for their generosity and support of the Marlboro Township Police Department.

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

- a. Township Business Administrator
- b. Chief Financial Officer
- c. Chief of Police

RESOLUTION #2022-103

A RESOLUTION AUTHORIZING RIGHT OF ENTRY AND ACCESS BY MARLBORO TOWNSHIP TO PROPERTY OWNED BY THE MARLBORO TOWNSHIP BOARD OF EDUCATION KNOWN AS MARLBORO MIDDLE SCHOOL, BLOCK 253, LOT 34 LOCATED AT 355 ROUTE 520 FOR PURPOSES OF CONSTRUCTING A WALKWAY FOR PUBLIC ACCESS TO RECREATION FACILITIES

WHEREAS, the Township of Marlboro is undertaking a project which consists of an ADA accessible asphalt walkway and lights between the H and L synthetic turf fields on Marlboro Township's ("Township") property and the Marlboro Township Board of Education's (MTBOE) Middle School parking lot ("Project"); and

WHEREAS, the MTBOE is the owner of record of a parcel located at 355 Route 520 also known as Block 253 Lot 34 as further identified and depicted in the attached Exhibit A ("Property"); and

WHEREAS, the Township has requested right of access to the Property for purposes of constructing the walkway and lighting and for utilization by the public to access the playing fields from the Middle School parking lot; and

WHEREAS, the Township has agreed to the following terms:

- Minimize disruption to MTBOE's facilities and scheduled activities.
- Restore the subject property to a condition equal to or better than that which originally existed.
- Maintain the improved property walkway.
- Maintain insurance coverage and indemnify and hold the MTBOE harmless from any claim for damages arising out of the use of the walkway.

WHEREAS, the Mayor and Township Council are supportive of this important recreation initiative that will improve public access and allow for safer passage of residents to and from Township playing fields.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Municipal Clerk are hereby authorized and directed to execute and witness, respectively, the Access Agreement in a form to be approved by the Township Attorney.

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

- a. Marlboro Township Board of Education
- b. Business Administrator
- c. Township Engineer
- d. Township Attorney
- e. Chief of Police

At 8:09 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: APRIL 28, 2022

OFFERED BY: SCALEA

AYES: 3

SECONDED BY: MARDER

NAYS: 0

ABSTAIN: QAZI

ABSENT: DINUZZO

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
042822

JUNED QAZI,
COUNCIL PRESIDENT