

MARLBORO TOWNSHIP COUNCIL MEETING

October 19, 2023

The Marlboro Township Council held its regularly scheduled meeting on October 19, 2023 at 7:00 P.M. at the Marlboro Township Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

The Council President requested a moment of silence for the people of Israel and Palestine.

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 and the Board of Education Office on October 17, 2023; published in the Asbury Park Press on November 16, 2022; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the Township website and Channel 77.

The Municipal Clerk called the Roll.

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

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

Citizen's Voice:

Daniel Matarese of 485 Texas Road wants to ensure that all business within the Township are properly licenses and have completed all required permits and inspections.

Lisa Pereira of 53 Dowing Lane, Jackson, New Jersey had questions regarding the state pension process.

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

Sarah Samy of 5 Dickson Road is a student at Brookdale Community College and inquired about the Improvements to Ryan Road agenda item.

Jason Rabkin of 85 Station Road a student at Brookdale Community College had questions regarding proposed road construction on Station Road.

Council Speaks Out: Councilman Milman expressed concerns regarding the Israel and Palestine conflict. Council Vice President DiNuzzo mentioned praying for peace in Israel and Palestine. Council President Qazi also stated this is a difficult time and wished for peace. The Council President provided updates for both police and public works departments.

Councilman Scalea moved that the Council meeting minutes of September 14, 2023 be approved. This was seconded by Council Vice President DiNuzzo, and passed on a roll call vote of 4 - 0 in favor. Councilwoman Marder was absent.

The following resolution #2023-222 (Authorizing Award of Bid 2023-18 for Improvements to Ryan Road (Cap Id 2022-060-06 & 2023-060-53)) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Councilwoman Marder was absent.

RESOLUTION #2023-222

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO EARLE ASPHALT COMPANY FOR IMPROVEMENTS TO RYAN ROAD

WHEREAS, the Township of Marlboro as part of its 2022 capital program (2022-060-06) authorized various road and drainage improvements to Ryan Road("Project"); and

WHEREAS, the Township was awarded a grant in the amount of \$251,900.00 from the New Jersey Department of Transportation (NJDOT) for the project; and

WHEREAS, the Township of Marlboro authorized the receipt of bids (#2023-18) for the IMPROVEMENTS TO RYAN ROAD, and on October 13, 2023 received five (5) bids, summarized as follows:

Bid 2023-18 Ryan Rd Improvements	
Bidder	Total Bid Items 1-40
Earle Asphalt Co. P.O. Box 556 Farmingdale, NJ 07727	\$959,013.13
Black Rock Enterprises LLC 1316 Englishtown Road Old Bridge, NJ 08852	\$1,000,000.00
Lucas Brothers, Inc. 80 Amboy Road Morganville, NJ 07751	\$1,050,000.00

Meco, Inc. P.O. Box 536 Clarksburg, NJ 08510	\$1,051,863.50
Z Brothers Concrete Contractors Inc. 304 Jernee Mill Road Sayreville, NJ 08872	\$1,184,029.94

; and

WHEREAS, the Township Engineer has reviewed the bids received and in a memo dated October 13, 2023, recommends that the bid for IMPROVEMENTS TO RYAN ROAD be awarded to EARLE ASPHALT COMPANY as the lowest and responsible bidder, whose address is P.O. Box 556, Farmingdale, NJ 07727, for the total bid price amount not to exceed \$959,013.13; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in General Capital Account 04-215-23-05D-060288 and 04-215-21-22A-060288 for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for the IMPROVEMENTS TO RYAN ROAD for the Township of Marlboro Department of Public Works be and is hereby awarded to EARLE ASPHALT COMPANY, whose address is P.O. Box 556, Farmingdale, NJ 07727 for a contract amount not to exceed \$959,013.13.

BE IT FURTHER RESOLVED, that the award of contract for the IMPROVEMENTS TO RYAN ROAD project to EARLE ASPHALT COMPANY is expressly contingent upon the availability of funds for this project through financing from the New Jersey Infrastructure Bank.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness a contract with EARLE ASPHALT COMPANY, whose address is P.O. Box 556, Farmingdale, NJ 07727 in accordance with this resolution, the bid specifications, and 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. EARLE ASPHALT COMPANY
- b. New Jersey Infrastructure Bank
- c. Township Business Administrator
- d. Township Director of Public Works
- e. Township Engineer
- f. Township Chief Financial Officer

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

RESOLUTION #2023-223

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS
DISPLAY PERMIT TO THE HINDU AMERICAN TEMPLE AND CULTURAL
CENTER

WHEREAS, N.J.S.A. 21:3-1, et seq. regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq., and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, the HINDU AMERICAN TEMPLE AND CULTURAL CENTER ("Hindu Temple"), has applied for a permit to host a fireworks display as part of their annual carnival event on property owned by the HINDU TEMPLE within the Township of Marlboro on October 2, 2023, such fireworks display to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq. and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to the HINDU AMERICAN TEMPLE AND CULTURAL CENTER to host a fireworks display on November 12, 2023 with a rain date of November 13, 2023 for its annual carnival on property owned by the HINDU TEMPLE within the Township of Marlboro, such fireworks display to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, pursuant to N.J.S.A. 21:3-1, et seq., and more particularly N.J.S.A. 21:3-3, subject to the following terms and conditions:

1. Receipt of approval by the Chief of the Police and Fire Official in accordance with the terms set forth hereinabove; and

2. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney; and
3. The execution of a Hold Harmless Agreement in a form acceptable to the Township Attorney; and
4. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's Fire Safety Certificate (Rules); and
5. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's drivers' Safety Documents; and
6. Proof of issuance by the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its FAA Notification Letter; and
7. Proof from the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its Worker's Compensation and Employers Liability Policy; and
8. Receipt of a copy of the Fireworks Contract Agreement between the HINDU TEMPLE and Serpico Pyrotechnics, LLC; and
9. Receipt of the Plot/Site Plan for the fireworks' display.

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

- a. HINDU AMERICAN TEMPLE AND CULTURAL CENTER
- b. Serpico Pyrotechnics, LLC
- c. Chief of the Police
- d. Fire Official
- e. Business Administrator

RESOLUTION #2023-224

A RESOLUTION AUTHORIZING ACCEPTANCE
OF EQUIPMENT FROM MONMOUTH COUNTY

WHEREAS, Monmouth County has determined that a 2004 Elgin Street Sweeper VIN #49HAADB05DN99899 is surplus property; and

WHEREAS, the Township of Marlboro is in need of parts to make repairs to its 2008 Elgin Street Sweeper (ID 0852); and

WHEREAS, WHEREAS, the taxpayers of Marlboro contribute to Monmouth County's "tax raised funds"; and

WHEREAS, the County has offered to convey the surplus property to the Township of Marlboro at no cost; and

WHEREAS, the transfer will allow the Township to obtain the necessary parts more quickly and will also save taxpayer dollars; and

WHEREAS, the Department of Public Works recommends that the Township accept this conveyance; and

WHEREAS, the Mayor and Township Council are in agreement with the recommendation of the Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the conveyance of a 2004 Elgin Street Sweeper VIN #49HAADB05DN99899 by Monmouth County as described herein is hereby approved and accepted.

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

- a. Monmouth County
- b. Chief Financial Officer
- c. Superintendent of Public Works
- d. Insurance

RESOLUTION #2023-225

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE
PROVISION OF GATE VALVE MAINTENANCE FOR THE
MARLBORO TOWNSHIP WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2023 capital program (23-500-04) authorized the PROVISION OF GATE VALVE MAINTENANCE FOR THE MARLBORO TOWNSHIP WATER UTILITY DIVISION; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF GATE VALVE MAINTENANCE FOR THE MARLBORO TOWNSHIP WATER UTILITY DIVISION, and on September 6, 2023, received two (2) bids, as follows:

	Black Rock Enterprises, LLC 1316 Englishtown Road Old Bridge, NJ 08857		Kiely Civil, LLC 1 Radar Way Tinton Falls, NJ 07724	
Item Description	Unit Price	Total	Unit Price	Total
A. 32 EA. - 6" Gate Valve	\$10,800.00	\$345,600.00	\$2,987.00	\$95,584.00
B. 45 EA. - 8" Gate Valve	\$12,800.00	\$576,000.00	\$3,124.00	\$140,580.00
C. 13 EA. - 12" Gate Valve	\$15,800.00	\$205,400.00	\$3,270.00	\$42,510.00
D. Excavations Greater Than 6Ft	Allowance	\$8,000.00	Allowance	\$8,000.00
E. Traffic Director, Municipal Police Allowance	Allowance	\$10,000.00	Allowance	\$10,000.00
	Total	\$1,145,000.00	Total	\$296,674.00

; and

WHEREAS, the bid received from Kiely Civil, LLC, whose address is 1 Radar Way, Tinton Falls, NJ 07724, failed to include a fully executed statement of corporate ownership; and

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

WHEREAS, in a memo dated September 7, 2023, the Director of Public Works has reported that the bid received from Black Rock Enterprises, LLC, whose address is 1316 Englishtown Road, Old Bridge, NJ 08857 exceeds the Township's budgeted costs for the PROVISION OF GATE VALVE MAINTENANCE FOR THE MARLBORO TOWNSHIP WATER UTILITY DIVISION; 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, 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 GATE VALVE MAINTENANCE FOR THE MARLBORO TOWNSHIP WATER UTILITY DIVISION (Bid 2023-16) 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 PROVISION OF GATE VALVE MAINTENANCE FOR THE MARLBORO TOWNSHIP WATER UTILITY DIVISION.

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).

RESOLUTION #2023-226

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE "PEDESTRIAN IMPROVEMENTS ALONG SCHOOL ROUTES"

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as LTPF-MARLBORO TOWNSHIP-00021 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION #2023-227

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 2023 in the sum of \$6,886.00, which has been awarded to the municipality for the "2023 Bulletproof Partnership" Grant.

Section 2

BE IT FURTHER RESOLVED, that the amount of \$6,886.00 be hereby appropriated under the caption "2023 Bulletproof Partnership" Grant.

RESOLUTION #2023-228

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 2023 in the sum of \$36,000.00, which has been awarded to the municipality for the "2023 NJBPU Clean Fleet Electric Vehicle Incentive Program" Grant.

Section 2

BE IT FURTHER RESOLVED, that the amount of \$36,000.00 be hereby appropriated under the caption "2023 NJBPU Clean Fleet Electric Vehicle Incentive Program" Grant.

RESOLUTION #2023-229

REFUND OF TAX OVERPAYMENTS

WHEREAS, the attached list in the amount of \$1,745.43 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".

SCHEDULE A

BLOCK/LOT	PROPERTY INFORMATION	AMOUNT
271/6	9 Wylie Terrace	\$1,745.43
		\$1,745.43

RESOLUTION #2023-230

AUTHORIZING REFUND TO STATE OF NJ FOR WATER UTILITY
PAYMENT MADE IN ERROR

WHEREAS, the State of New Jersey initiated a wire payment to the Marlboro Township Water Utility Division in the amount of \$61.99 through the Low Income Household Water Assistance Program on September 1, 2023 and,

WHEREAS, the payment was made in error as there is not a Water Utility account for the intended recipient and, this payment needs to be refunded to the State of New Jersey,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned payment in the amount of \$61.99 be refunded to the State of New Jersey.

RESOLUTION #2023-231

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$60,556.26 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 \$60,556.26 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>
2019-032	318/5	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723	7,898.88
2022-028	270/2	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723	3,826.82

2023-028	268.07/4	Changsheng Lu 628 N. Butrick Street Waukegan, IL 60085	3,300.89
2023-015	176/7/C0725	Changsheng Lu 628 N. Butrick Street Waukegan, IL 60085	1,570.82
2021-035	324/2	Fig NJ19 LLC PO Box 669507 Dallas, TX 75266	3,652.07
2023-006	119.05/23	Changsheng Lu 628 N. Butrick Street Waukegan, IL 60085	2,500.84
2023-021	180/10	Christiana C/F CE1 Firstrust PO Box 5021 Philadelphia, PA 19111	33,734.10
2023-013	173/7/C0180	Changsheng Lu 628 N. Butrick Street Waukegan, IL 60085	4,071.84

At 7:29 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Council Vice President DiNuzzo, and there was no objection. The Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: NOVEMBER 9, 2023

OFFERED BY: MILMAN

AYES: 4

SECONDED BY: SCALEA

NAYS: 0

ABSENT: DINUZZO

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
110923

JUNED QAZI,
COUNCIL PRESIDENT