

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 2, 2019

The Marlboro Township Council held its regularly scheduled meeting on May 2, 2019 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Mazzola 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 January 7, 2019; published in the Asbury Park Press on January 9, 2019; 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 Clerk called the Roll.

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

Also present: Mayor Hornik, Township Attorney Louis N. Rainone., Business Administrator Jonathan Capp, Deputy Municipal Clerk Susan A. Branagan.

Councilman Cantor moved that the minutes of April 11, 2019 be adopted. This was seconded by Councilwoman Marder, and passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea).

The following Resolution #2019-162/Ordinance #2019-7(Authorizing Appropriation of FY 2019 NJDOT Municipal Aid Grant) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman Cantor. Council Vice President Mazzola opened the public hearing on Ordinance #2019-7. 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 3 - 0 in favor (Absent: Metzger and Scalea).

RESOLUTION # 2019-162

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

ORDINANCE # 2019-7

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$300,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR THE MARLBORO ROAD PROGRAM IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on April 11, 2019, public hearing held on May 2, 2019, be adopted on second and final reading this 2nd day of May, 2019.

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

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilman Cantor and passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea): Res. #2019-163 (Authorizing State Contract - Eagle Point Gun - Purchase of Ammunition for Qualifications and Range Training), Res. #2019-164 (Authorizing The Transfer and Acceptance of Surplus Military Equipment from the US Department of Defense (DoD) 1033 Program), Res. #2019-165 (Authorizing Extension of Single Site License Agreement Diamond Towers II, LLC to Operate Wireless Communication Facility and Antennae for Marlboro), Res. #2019-166 (Authorizing Budget Amendment Chapter 159 - 2019 Distracted Driving Grant), Res. # 2019-167 (Authorizing Budget Amendment Chapter 159 - 2019 Click it or Ticket Grant), Res. #2019-168 Confirming Appointment of Recreation Director), Res. #2019-169 (Authorizing First Amendment to Texas Road Parking Facility Agreement), Res. #2019-170 (Authorizing Change in Custodian of Petty Cash Fund), Res. #2019-171 (Authorizing State Contract - Refurbishment of Street Sweeper ((Cap ID #121-9), Res. #2019-172 (Authorizing Award of Bid - Roof Replacement), Res. #2019-173 (Authorizing 2019 ANJEC Open Space Stewardship for Environmental Commission's Grant Application Submission), Res. # 2019-174 (Redemption Tax Sale Certs - Various)

RESOLUTION # 2019-163

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81296

TO EAGLE POINT GUN SHOP FOR THE PURCHASE OF AMMUNITION
FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro Division of Police is in need of ammunition for qualifications and range training; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$35,000.00; 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 Police Department to obtain the ammunition from Eagle Point Gun Shop; and

WHEREAS, funds are available in Current Account 01-201-25-106-262644 for an amount not to exceed \$35,000.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said ammunition.

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 ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$35,000.00.

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

- a. Eagle Point Gun Shop
- b. Business Administration
- c. Township Police Department
- d. Chief Financial Officer

RESOLUTION # 2019-164

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY
EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE
(DoD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Township Council authorized the Township through the Division of Police (R.2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DoD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

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

- a. Human Resources
- b. Business Administrator
- c. Chief Financial Officer
- d. Insurance

RESOLUTION # 2019-165

A RESOLUTION AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND TOWERS II LLC TO OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro ("Township") entered into a Single Site License Agreement with Diamond Towers II LLC ("Diamond Towers") in order to install, operate and maintain a wireless communications facility and antennae ("Communications Facility") located at Wilson Avenue, Matawan, New Jersey (the "Premises") for use by the Marlboro Township Police Department and other Township emergency services in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, on April 16, 2015 (Ordinance #2015-5) the Township Council of the Township of Marlboro authorized the extension of

the Single Site License Agreement with Diamond Towers; and

WHEREAS, on March 2, 2017 (Resolution #2017-110) the Township Council of the Township of Marlboro authorized another the extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, the Township Police Department wishes to extend the Single Site License Agreement with Diamond Towers for an additional one (1) year renewal term for compensation in the amount of four thousand eight hundred dollars (\$4,800.00), and such annual compensation to be increased by four percent (4%) for each renewal term entered upon.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with Diamond Towers for a period of one year through December 31, 2019.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Diamond Towers in accordance with the Ordinance, this resolution, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds are available in Current Account #01-201-25-212-216212 in an amount not to exceed \$4,800.00.

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

- a. Diamond Towers II LLC
- b. Business Administrator
- c. Chief of Police
- d. Chief Financial Officer

RESOLUTION # 2019-166

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.

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 2019 in the sum of \$5,500.00, which has been awarded to the municipality for the "2019 Distracted Driving Crackdown" Grant.

BE IT FURTHER RESOLVED that the amount of \$5,500.00 be hereby appropriated under the caption "2019 Distracted Driving Crackdown" Grant.

RESOLUTION # 2019-167

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.

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 2019 in the sum of \$5,500.00, which has been awarded to the municipality for the "2019 Click It or Ticket" Grant.

BE IT FURTHER RESOLVED that the amount of \$5,500.00 be hereby appropriated under the caption "2019 Click It or Ticket" Grant.

RESOLUTION # 2019-168

RESOLUTION CONFIRMING APPOINTMENT OF RECREATION DIRECTOR
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Mayor Jonathan Hornik has appointed Daniel K. Reeve as Recreation Director for the Township of Marlboro for a term ending on December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that it hereby confirms the appointment, by Mayor Jonathan Hornik, of Daniel K. Reeve, for a term ending on December 31, 2019.

RESOLUTION # 2019-169

RESOLUTION AUTHORIZING AMENDMENT #1 TO PARKING FACILITY
AGREEMENT BETWEEN AMERICAN PLAZA, LLC
AND THE TOWNSHIP OF MARLBORO

WHEREAS, on January 21, 2010, the Township Council approved R. 2010-59 authorizing a parking facility agreement between American Plaza, LLC and the Township of Marlboro in connection with the site plan approval for Block 176, Lots 2.01, 5.03 and 10.01 in the Township of Marlboro and Block 21002, Lot 6 in the Township of Old Bridge; and

WHEREAS, the agreement provides for the designation and maintenance of commuter parking stalls located on property known as Block 176, Lots 2.01, 5.03 and 10.01 at Texas Road and Route 9 ("Facility"); and

WHEREAS, the Parking Facility Agreement has expired and the Township and American Plaza, LLC have negotiated the terms of a first amendment which amends the location of the commuter parking area on the subject property and extends the agreement through September 29, 2043, in a form substantially similar to that provided in EXHIBIT A ; and

WHEREAS, the Township wishes to continue to provide for commuter parking at this Facility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute Amendment #1 to the Parking Facility Agreement between American Plaza, LLC and the Township of Marlboro in a form 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. American Plaza, LLC
- b. Business Administrator
- c. Township Engineer
- d. Director of Community Development
- e. Chief Financial Officer
- f. Township Attorney

RESOLUTION # 2019-170

CHANGE IN CUSTODIAN OF PETTY CASH FUND

WHEREAS, Ted Ernst was custodian of the Recreation Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40A:5-21, the Township of Marlboro is changing custodians to Daniel Reeve; and

WHEREAS, Daniel K. Reeve is bonded in the amount of \$50,000.00 by virtue of the Township's Public Employee Dishonesty blanket crime policy.

NOW, THEREFORE, BE IT RESOLVED that the Township of Marlboro, County of Monmouth hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION # 2019-171

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #85857
TO W.E. TIMMERMAN CO., INC. FOR THE REFURBISHMENT OF A
TOWNSHIP OWNED STREET SWEEPER FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OR PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2019 capital program (120-9) authorized the refurbishment of various equipment for the Department of Public Works; 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, W.E. TIMMERMAN CO., INC., was awarded the State Contract #85857 for the parts and repairs of road maintenance equipment and has provided an estimate for the refurbishment of a street sweeper (#0852) in accordance with the State Contract in an amount not to exceed \$42,125.68; and

WHEREAS, in a memo dated April 23, 2019 the Director of Public Works has indicated that the refurbishment of the Township owned street sweeper represents the best value for the Township; 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 the refurbishment services from W.E. TIMMERMAN CO., INC. in an amount not to exceed \$42,125.68; 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 authorization is hereby granted to purchase the refurbishment services from W.E. TIMMERMAN CO., INC., 3554 Route 22 West, P.O. Box 71, Whitehouse, NJ 08888, under State Contract #85857 in an amount not to exceed \$42,125.68.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with W.E. TIMMERMAN CO., INC., in accordance with this resolution, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified funds in the amount of \$42,125.68 in Capital Account #04-215-19-01H-121297.

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

- a. W.E. TIMMERMAN CO., INC.
- b. Business Administration
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2019-172

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO PELKA
CONSTRUCTION CO. LLC FOR THE PROVISION OF ROOF REPLACEMENT FOR
THE MARLBORO COUNTRY PARK AND SWIM CLUB AND THE WATER UTILITY
DIVISION HARBOR ROAD OFFICE

WHEREAS, the Township of Marlboro as part of its 2019 capital program (500-4 & 400-4.4) authorized roof repair and replacement at the Harbor Road Administration building and three structures at the Marlboro Country Park and Swim Club; and

WHEREAS, the Township of Marlboro advertised for the acceptance of bids for the various roof replacements, and on April 23, 2019, received five (5) bids, as follows:

Bidder	Bidder Address	Marlboro Country Park & Swim Club				Water Utility Div. Harbor Rd			Total
		Item 1 - Remove existing materials	Item 2 - 1,500 sq. ft. deck repairs	Item 3 - remove & replace gutters & etc.	Item 4 - Total of 1-3	Item 5 - Remove existing materials	Item 6 - 2,000 sq. ft. deck repairs	Item 7 - total of 5 & 6	Item 8 Total of 4 & 7
Northeast Roof Maint.	Perth Amboy, NJ 08861	\$105,000	\$15,000	\$15,000	\$135,000*	\$3,900	\$20,000	\$23,900*	\$158,900*
Kowalski Roofing	Brick, NJ 08723	\$75,000	\$3,750	\$8,500	\$87,250	\$36,500	\$4,000	\$40,500	\$127,750
Padovani Roofing	Neshanic Station, NJ 08853	\$65,000	\$7,500	\$7,500	\$80,000	\$35,000	\$9,900	\$44,900	\$124,900
Kupex Exteriors	Trenton, NJ 08609	\$47,900	\$3,100	\$7,290	\$58,290	\$19,940	\$3,720	\$23,660	\$81,950
Pelka Construction	Jackson, NJ 08527	\$42,450	\$4,725	\$5,800	\$52,975	\$21,950	\$6,300	\$28,250	\$81,225

*Mathematical error in bid submission

;and

WHEREAS, in a memo dated April 24, 2019 the Director of Public Works has reported that the submission of the apparent lowest bidder, PELKA CONSTRUCTION CO. LLC, is responsive and has recommended that the contract for the, PROVISION OF ROOF REPLACEMENT FOR THE MARLBORO COUNTRY PARK AND SWIM CLUB AND THE WATER UTILITY DIVISION HARBOR ROAD OFFICE be awarded to PELKA CONSTRUCTION CO. LLC, whose address is 617 Herman Road, Jackson, NJ 08527 in an amount not to exceed \$81,225.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract for the PROVISION OF ROOF REPLACEMENT FOR THE MARLBORO COUNTRY PARK AND SWIM CLUB AND THE WATER UTILITY DIVISION HARBOR ROAD OFFICE be awarded to PELKA CONSTRUCTION CO. LLC, whose address

is 617 Herman Road, Jackson, NJ 08527, for a contract amount not to exceed \$\$81,225.00.

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified funds in the amount of \$81,225.00 in Capital Accounts #06-215-19-02A-500288 and #10-215-19-03B-400288.

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

- a. PELKA CONSTRUCTION CO. LLC
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2019-173

A RESOLUTION AUTHORIZING AN APPLICATION
TO THE ANJEC OPEN SPACE STEWARDSHIP GRANT

WHEREAS, the ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS ("ANJEC") is an association of Municipalities and Counties with established Environmental Commissions; and

WHEREAS, since 1969, ANJEC, a non-profit organization, helps New Jersey environmental commissions, individuals, local and state agencies preserve natural resources and promote environmentally sustainable communities; and

WHEREAS, the program provides funding to help towns develop capacity-based, sustainable land use plans and ordinances and strengthens municipal environmental commissions by providing opportunities for them to participate in the local land use planning process; and

WHEREAS, in an effort to promote sustainability, education, and preservation, ANJEC will provide small matching grants, currently, the 2019 ANJEC OPEN SPACE STEWARDSHIP GRANTS FOR ENVIRONMENTAL COMMISSIONS, Supported by the Sandy Batty Grant Fund, in order to provide funding intended to support New Jersey municipalities that participate in ANJEC to institute greening

and sustainability initiatives within their communities and to improve the quality of life for their residents; and

WHEREAS, the Program will award up to \$1,500 in matching funds, with 2/3 distributed upon grant award and 1/3 upon project completion; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it would be in the best interests of the Township to apply for the 2019 ANJEC grant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that the Mayor and Township Clerk are hereby authorized to submit a grant application to the Sustainable Jersey Small Grants Program for grant funds in the amount of \$1,500 to support the Township of Marlboro's efforts to institute sustainable storm water management initiatives within the community, specifically, for use in the development of a Rain Garden and systems to utilize rain water run off to educate and improve the quality of life for Township residents; and

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

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

- a. ANJEC
- b. Township Business Administrator
- c. Environmental Commission

RESOLUTION # 2019-174

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$2,883.21 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 \$ 2,883.21 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>
2017-062	412/142	Fig Capital Investments NJ13 PO Box 54472 New Orleans, LA 70154 Assessed Owner: Carlin, Mark & Elissa	2,883.21

At 7:35 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger, Scalea).

MINUTES APPROVED: MAY 16, 2019

OFFERED BY: CANTOR AYES: 3

SECONDED BY: MAZZOLA NAYS: 0

ABSTAIN: METZGER, SCALEA

SUSAN A. BRANAGAN,
DEPUTY MUNICIPAL CLERK

CAROL MAZZOLA,
COUNCIL VICE PRESIDENT