

MARLBORO TOWNSHIP COUNCIL MEETING
February 4, 2021

The Marlboro Township Council held its regularly scheduled meeting remotely on February 4, 2021 at 7:00 P.M.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 19, 2021; published in the Asbury Park Press on January 16, 2021; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

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

Councilman Scalea moved that the minutes of January 21, 2021 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor. Councilman Metzger abstaining.

The following Resolution #2021-073/Ordinance 2021-001 (Amending Chapter 4, Article XX [Administration of Government, Officers and Employees] and Fixing the Salaries of Various Officers and Employees of the Township of Marlboro 2021) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Metzger. Council President Cantor opened the Public Hearing on Ordinance #2021-001. 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 5 - 0 in favor.

RESOLUTION #2021-073

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

ORDINANCE #2021-001

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2021

which was introduced on January 21, 2021 at a public hearing remotely held on 4th February, 2021, be adopted on second and final reading this 4th day of February, 2021.

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

The following Resolution #2021-074/Ordinance 2021-002 (Authorizing the Township of Marlboro to Acquire Non-Exclusive Easements over Property, Block 157, Lots 34.03 & 34.02) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Metzger. Council President Cantor opened the Public Hearing on Ordinance #2021-002. 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 5 - 0 in favor.

RESOLUTION #2021-074

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

ORDINANCE #2021-002

ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE NON-EXCLUSIVE EASEMENTS OVER PROPERTY (BLOCK 157, LOTS 34.03 & 34.02)

which was introduced on January 21, 2021 at a public hearing remotely held on 4th February, 2021, be adopted on second and final reading this 4th day of February, 2021.

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

The following Resolution #2021-075 (Adjusting the Annual LOSAP Contribution and Certifying List of Qualified Volunteer Members) was introduced by reference, offered by Council Vice President

Metzger, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor. Council President Cantor abstaining.

RESOLUTION #2021-075

RESOLUTION ADJUSTING THE ANNUAL LOSAP CONTRIBUTION
AND CERTIFYING LIST OF QUALIFIED VOLUNTEER MEMBERS

WHEREAS, a Length of Service Award Program (LOSAP) was approved by referendum in 2001 to reward members of the Marlboro First Aid Squad and the Morganville First Aid Squad for their services to the residents of Marlboro Township, in accordance with Chapter 399 of the Laws of 1997; and

WHEREAS, the Township of Marlboro makes annual LOSAP contributions for the volunteers who meet the annual qualifications as certified by the LOSAP Chairman of both the Marlboro and Morganville First Aid Squads, and

WHEREAS, the Township of Marlboro passed Ordinance 2008-2 in 2008 which prospectively increased the annual LOSAP contribution by the amount of the regional Consumer Price Index, and

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 0.8%, making the annual contribution \$1,353.28 per qualifying participant, and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS, upon receipt of the certified list from the emergency service organizations, the sponsoring agency shall review the list and upon finding that the list is accurate, approval shall be made by resolution of the governing body; and

WHEREAS, the Plan Administrator has reviewed the attached certified list of qualified volunteer members submitted by the Morganville First Aid Squad and recommends approval by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2020, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Morganville First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

The following Resolution #2021-076 (Changing Schedule Council Meeting Start Time for Municipal Budget Discussion) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-076

CHANGING SCHEDULED COUNCIL MEETING START TIME FOR MUNICIPAL
BUDGET DISCUSSION

BE IT RESOLVED, by the Council of the Township of Marlboro that the scheduled start time for the February 18, 2021 remotely held Council Meeting be changed from 7:00 p.m. to 6:00 p.m. The purpose of the change is to discuss the 2021 Municipal Budget and any other finance related business immediately after the Council Meeting and;

BE IT FURTHER RESOLVED, the Municipal Budget meeting will follow immediately after the regularly scheduled Council Meeting of February 18, 2021. Action will not be taken at the Municipal Budget meeting and Citizen's Voice will be limited to 15 minutes.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Metzger, and passed on a roll call vote of 5 - 0 in favor:

RESOLUTION #2021-077

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR
CREDIT CARD PROCESSING SERVICES FOR THE TOWNSHIP OF
MARLBORO

WHEREAS, the Township of Marlboro advertised for the receipt of bids for CREDIT CARD PROCESSING SERVICES in the Township of Marlboro (2020-15); and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(e), a contracting unit may reject all bids if the purposes or provisions or both of the Local Public Contracts Law are being violated; and

WHEREAS, through no fault of the bidders, all of the bids received on December 1, 2020 were not delivered to the Purchasing agent as required by law; and

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 REJECTION OF BIDS FOR CREDIT CARD PROCESSING SERVICES for the Township of Marlboro is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(e); and

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to rebid the contract for the REJECTION OF BIDS FOR CREDIT CARD PROCESSING SERVICES for the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security (ies) to the appropriate bidder(s).

RESOLUTION #2021-078

AUTHORIZING FY22 ANNUAL COUNTY AND MUNICIPAL FARMLAND
PRESERVATION PLANNING INCENTIVE GRANT APPLICATION

WHEREAS, the Township has utilized the Planning Incentive Grant (PIG) Program offered by the State Agricultural Development Committee (SADC) to preserve and protect qualified farmland in Marlboro that might otherwise be developed, most recently, the Stattel Farm(stand) parcel on Routes 520 and 79; and

WHEREAS, farmland preservation is an important part of keeping Marlboro green and maintaining the quality of life residents enjoy; and

WHEREAS, the Township has an approved Municipal Comprehensive Farmland Preservation Plan on file with SADC which identifies "target farms" for preservation; and

WHEREAS, in order to be eligible for continued funding to pursue the preservation of target farms, the Township must file an annual application which requires a resolution of the municipal governing body; and

WHEREAS, the Township Agricultural Advisory Committee has reviewed the Township's proposed Fiscal Year 2022 submission to SADC; and

WHEREAS, the Township Council of the Township of Marlboro supports the continued preservation of farmland through the use of State grant funding to defray the cost of doing so; and

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized to submit an application to the State Agricultural Development Committee requesting additional funding in the Fiscal Year 2022 cycle.

RESOLUTION #2021-079

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS MARLBORO BUILDERS & INVESTORS, LLC, BLOCK 120.02, LOTS 37.01 AND 37.02, RESPECTIVELY LOCATED AT #18 AND #16 WOOLEYTOWN ROAD, MORGANVILLE, NJ 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Anil Jain, Marlboro Builders & Investors, LLC, 9 Station Road, Morganville, NJ 07751 for the release of the Township held Performance Guarantees in the form of two Cash Deposits for the site improvements ("Private Improvements") on the Site known as "Marlboro Builders & Investors, LLC" (the "Site"), property known as Block 120.02, Lots 37.01 and 37.02, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Marlboro Builders & Investors, LLC, N/A (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 21, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Cash Deposit amounts being held by the Township be released in their entirety; and

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 Cash Deposits posted by the Developer, Marlboro Builders & Investors, LLC, for the site known as Marlboro Builders & Investors located

on property known as Block 120.02, Lots 37.01 and 37.02, Township of Marlboro, New Jersey, shall be released as follows:

1. The Cash Deposit, Bank of America check No. 1308 in the original and present amount of \$13,763.52 (excludes accrued interest) shall be released in its entirety;
2. The Cash Deposit, Bank of America check No. 1307 in the original and present amount of \$1,529.28 (excludes accrued interest) shall be released in its entirety;

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$1,911.60; and

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

- a. Marlboro Builders & Investors, LLC, 9 Station Road, Morganville, NJ 07751
- b. Bank of America
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis Rainone, Esq., Township Attorney

RESOLUTION #2021-080

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE
RENEWAL OF A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF MANALAPAN FOR USE OF THE
MARLBORO SWIM CLUB

WHEREAS, Marlboro and Manalapan entered into a Shared Services Agreement dated June 5, 2008; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Manalapan; and

WHEREAS, the Township of Marlboro has adopted new rates for the Marlboro Swim Club for 2021; and

WHEREAS, the Township of Manalapan wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated June 5, 2008 remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Manalapan for consideration.

EXHIBIT A

To

Shared Services Agreement between
Township of Marlboro and Township of Manalapan
for Use of Marlboro Swim Club

2021 FEE SCHEDULE FOR NON-RESIDENT MEMBERS

<u>Type of Membership</u>	<u>Rate</u>
Family	\$590.00
Individual	\$310.00

RESOLUTION #2021-081

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE
RENEWAL OF A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF COLTS NECK FOR USE OF THE
MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro and the Township of Colts Neck entered into a Shared Services Agreement dated April 12, 2012; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Colts Neck; and

WHEREAS, the Township of Marlboro has adopted new rates for the Marlboro Swim Club for 2021; and

WHEREAS, the Township of Colts Neck wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated April 12, 2012 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Colts Neck for consideration.

EXHIBIT A
To

Shared Services Agreement between
Township of Marlboro and Township of Colts Neck
for Use of Marlboro Swim Club

2021 FEE SCHEDULE FOR NON-RESIDENT MEMBERS

<u>Type of Membership</u>	<u>Rate</u>
Family	\$590.00
Individual	\$310.00

Senior

\$170.00

RESOLUTION #2021-082

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE
RENEWAL OF A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF OLD BRIDGE FOR USE OF THE
MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro and the Township of Old Bridge entered into a Shared Services Agreement dated March 1, 2018; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Old Bridge; and

WHEREAS, the Township of Marlboro has adopted new rates for the Marlboro Swim Club for 2021; and

WHEREAS, the Township of Old Bridge wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated March 1, 2018 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Old Bridge for consideration.

EXHIBIT A

To

Shared Services Agreement between
Township of Marlboro and Township of Old Bridge

for Use of Marlboro Swim Club

2021 FEE SCHEDULE FOR NON-RESIDENT MEMBERS

<u>Type of Membership</u>	<u>Rate</u>
Family	\$590.00
Individual	\$310.00
Senior	\$170.00

RESOLUTION #2021-083

TAX SALE REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$50,297.70 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 \$50,297.70 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2020-044	358/1.14	Bernie K. Brevdeh 881 Circle Avenue Franklin Lakes, NJ 07417 Assessed Owner: Bolton, Diana	3,065.93
2020-042	337/22	Eone Group LLC 150 Airport Rd, Suite 1200 Lakewood, NJ 08701 Assessed Owner: Koopman, Peter & Deacon, Kimberlee A	5,425.95
2019-039	360.02/5	T and M Professional Services PO Box 335 Keyport, NJ 07735 Assessed Owner: Timber Assoc. LLC	3,365.97

2020-011	143.08/18	US Bank Cust for Pro Cap 8 50 South 16 th St., Suite 2050 Philadelphia, PA 19102 Assessed Owner: Li, Yong & Daqin K. Liu	6,772.06
2020-040	299/167	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Lucrum Firm LLC	31,667.79

RESOLUTION #2021-084

DISABLED VETERAN TAX EXEMPTION

WHEREAS, the Tax Assessor has granted disabled veteran exemptions for the owners of the properties as per Schedule "A",

WHEREAS, pro-rated 2020 property taxes totaling \$1,791.99 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro to direct the Tax Collector to cancel \$1,791.99 for 2020 taxes.

SCHEDULE "A"

BLOCK/LOT	EFFECTIVE DATE	PROPERTY INFORMATION	AMOUNT
195/7	11/1/2020	Miskiewicz, Raymond R & Susanne P 6 Peach Tree Court	\$1,791.99

RESOLUTION #2021-085

REFUND OF TAX OVERPAYMENT

WHEREAS, the attached list in the amount of \$13,104.10 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"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>REFUND</u>
419.01/5	Maxim Tumakaev & Anzehelika Antyasova 2 Sapphire Drive Marlboro, NJ 07746	13,104.10

At 7:29 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: FEBRUARY 18, 2021

OFFERED BY: MAZZOLA

AYES: 5

SECONDED BY: MARDER

NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
021821

JEFF CANTOR,
COUNCIL PRESIDENT