

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

April 23, 2020

The Marlboro Township Council held its regularly scheduled meeting by remote on April 23, 2020 at 7:00 P.M.

Council 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, 2020; published in the Asbury Park Press on January 9, 2020; 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, Councilman Metzger, Councilman Scalea and Council President Mazzola by conference call. Councilman Cantor joined at 7:20 PM.

Also present: Mayor Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Chief Financial Officer Lori Russo, Municipal Clerk Alida Manco and Deputy Clerk Suzanne Branagan by conference call.

Motion to remove from the table Res. #2020-129/Ord. 2020-3 (tabled March 19, 2020) was made by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor). The following Res. #2020-129/Ord. #2020-3 (Exceed Municipal Budget Appropriation limits and to Establish a Cap Bank 2020) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Scalea. Council President Mazzola opened the Public Hearing on Ordinance #2020-3. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-129

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

ORDINANCE #2020-3

CALENDAR YEAR 2020

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

which was introduced on March 5, 2020, tabled on March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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

The following Res. #2020-130 (Adoption of 2020 Municipal Budget) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Sccalea. Council President Mazzola opened the Public Hearing on the 2020 Municipal Budget. As there was no one who wished to speak, the public hearing was closed and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-130

RESOLUTION AUTHORIZING THE ADOPTION OF THE
2020 MUNICIPAL BUDGET

WHEREAS, the 2020 Township of Marlboro Municipal Budget was introduced on March 5, 2020; and

WHEREAS, the required public hearing was scheduled and held remotely on April 23, 2020 in accordance with P.L. 2020 Ch. 11 and Division of Local Government Services (DLGS) Local Finance Notice 2020-07.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby adopts the 2020 Township of Marlboro Municipal Budget.

The following Res. #2020-131/Ordinance 2020-4 (Amending Various License and Permit Fees) was introduced by reference, offered by Councilman Metzger and seconded by Council President Mazzola. Council President Mazzola opened the Public Hearing on Ordinance #2020-4. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-131

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

ORDINANCE # 2020-4

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO LAND USE; UNIFORM CONSTRUCTION CODE; AMUSEMENT DEVICES AND AMUSEMENT PARK LICENSING; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM SERVICE RATES AND FEES AND CONNECTIONS; TAX SALE ADMINISTRATION AND RECREATION & SWIM PROGRAMS

which was introduced on March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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

The following Res. #2020-132/Ord. #2020-5 (Bond Ordinance - General Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman Scalea. Council President Mazzola opened the Public Hearing on Ordinance #2020-5. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-132

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

ORDINANCE #2020-5

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,196,158 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,936,350 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

which was introduced on March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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

ORDINANCE #2020-5

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,196,158 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,936,350 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$5,196,158, and further including the aggregate sum of \$259,808 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$4,936,350 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Administration</u> Acquisition of office furniture and equipment, including all related costs and expenditures incidental thereto	\$5,621	\$5,340	5 years
b) <u>Management Information System</u> Management information system infrastructure improvements and the acquisition of management information system equipment, including, but not limited to, software licensing, rack mount servers and storage devices, firewall and network improvement hardware, annual personal computer and laptop replacement program, laser printers and a phone	\$267,444	\$254,072	5 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
system, including all work and materials necessary therefor and incidental thereto, and further including all related costs and expenditures incidental thereto			
c) <u>Engineering</u> 1) Road Improvement Program, including street improvements, resurfacing, drainage and reconstruction of various streets, all as set forth on a list on file in the Office of the Clerk, and further including all work and materials necessary therefor and incidental thereto	\$2,488,393	\$2,363,973	10 years
2) Storm drainage improvements all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto	\$151,980	\$144,381	20 years
3) Dog park improvements, including all work and materials necessary therefor and incidental thereto	\$61,200	\$58,140	10 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
4) Site remediation projects, including all work and materials necessary therefor and incidental thereto	\$25,500	\$24,225	15 years
d) <u>Police Department</u>			
1) Replacement of vehicles, including, but not limited to, trucks and vans and a motorcycle, and further including all related costs and expenditures incidental thereto	\$60,737	\$57,700	5 years
2) Acquisition of equipment, including, but not limited to, equipment for police vehicles, police equipment for patrol, and weapons systems and accessories, and further including all related costs and expenditures incidental thereto	\$251,165	\$238,606	5 years
3) Acquisition of furniture, including all related costs and expenditures incidental thereto	\$17,140	\$16,283	5 years
4) Building improvements, including all work and materials necessary	\$5,100	\$4,845	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
therefor and incidental thereto			
5) Acquisition of traffic control and enforcement equipment, including all work and materials necessary therefor and incidental thereto, and further including all related costs and expenditures incidental thereto	\$14,694	\$13,959	10 years
e) <u>Road Maintenance</u> 1) Acquisition of a pick-up truck with plow and refurbishment of vehicles, including all related costs and expenditures incidental thereto	\$146,880	\$139,536	5 years
2) Acquisition and refurbishment of equipment, including, but not limited to, a front-end loader with tink bucket, a loader attachment, a 25 cubic yard garbage packer and a hot patch machine, and further including all related costs and expenditures incidental thereto	\$413,013	\$392,363	15 years
f) <u>Grounds Maintenance</u> 1) Acquisition of a pick-up truck,	\$45,900	\$43,605	5 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
including all related costs and expenditures incidental thereto			
2) Improvements to public buildings, including HVAC upgrades and energy saving improvements, and further including all work and materials necessary therefore and incidental thereto	\$464,100	\$440,895	15 years
g) Recreation 1) Replacement of vehicles, including all related costs and expenditures incidental thereto	\$11,539	\$10,962	5 years
2) Various park improvements, all as set forth on a list on file in the Office of the Clerk, and further including all work and materials necessary therefor and incidental thereto	\$725,462	\$689,189	15 years
h) 911 Expenses 1) Annual personal computer and laptop replacement program, including all related costs and expenditures incidental thereto	\$20,400	\$19,380	5 years
2) Improvements to police communication	<u>\$19,890</u>	<u>\$18,896</u>	10 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
system, including acquisition of radios, and further including all related costs and expenditures incidental thereto			
Totals:	<u>\$5,196,158</u>	<u>\$4,936,350</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.06 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$4,936,350, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$101,885 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond

ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. #2020-133/Ord. #2020-6 (Bond Ordinance - Water Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Marder. . Council President Mazzola opened the Public Hearing on Ordinance #2020-6. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-133

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

ORDINANCE #2020-6

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$2,318,950 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,318,950 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

which was introduced on March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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

ORDINANCE #2020-6

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$2,318,950 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,318,950 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"). For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the

aggregate to \$2,318,950. No down payment is required as the purposes authorized herein are deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,318,950 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Installation of a water main extension, including all work and materials necessary therefor and incidental thereto	\$890,950	\$890,950	40 years
b) Miscellaneous valve replacement in connection with the Water Quality Accountability Act, including all work and materials necessary therefor	\$510,000	\$510,000	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
and incidental thereto			
c) Acquisition of Management Information System equipment including, but not limited to, SCADA architecture (backup system) and further including all work and materials necessary therefor and incidental thereto	\$153,000	\$153,000	5 years
d) Replacement of water meters, including all work and materials necessary therefor and incidental thereto	\$204,000	\$204,000	15 years
e) Emergency water main repairs and restoration, including all work and materials necessary therefor and incidental thereto	\$510,000	\$510,000	20 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
f) Repair of hydrants, valves and pipes, including all work and materials necessary therefor and incidental thereto	<u>\$51,000</u>	<u>\$51,000</u>	15 years
Totals:	<u>\$2,318,950</u>	<u>\$2,318,950</u>	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 25.04 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,318,950, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$45,470 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. #2020-134/Ord. #2020-7 (Bond Ordinance - Recreation and Swim Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilman Scalea and seconded by Council President Mazzola. Council President Mazzola opened the Public Hearing on Ordinance #2020-7. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-134

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

ORDINANCE #2020-7

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE RECREATION UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$214,404 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$214,404 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

which was introduced on March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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

ORDINANCE #2020-7

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE RECREATION UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$214,404 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$214,404 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$214,404. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$214,404 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the recreation utility, including, but not limited to, installation of defibrillators, resurfacing of tennis courts at the Marlboro Swim Club and pool repairs at the Marlboro Swim Club, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from

time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond

ordinance by \$214,404, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$4,204 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking,

the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. #2020-135/Ord. #2020-8 (Providing for Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Councilman Scalea, and seconded by Councilwoman Marder. Council President Mazzola opened the Public Hearing on Ordinance #2020-8. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-135

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

ORDINANCE #2020-8

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

which was introduced on March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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

ORDINANCE #2020-8

ORDINANCE PROVIDING FOR THE LEASE PURCHASE
FINANCING AND ACQUISITION OF POLICE CARS FOR
AND BY 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 two-thirds of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") hereby authorizes the lease purchase financing and acquisition of police cars for the Township pursuant to N.J.S.A. 40A:11-15(7) for a total principal cost of not to exceed \$220,000. The procurement of the police cars is available through a State Contract. The rental payments will be paid over three years at an interest rate per annum to be approved by the Chief Financial Officer of the Township through a procurement process authorized herein and in accordance with law. The Chief Financial Officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including through a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or the Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and/or the Chief Financial Officer are also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the

police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

Section 3. The payment of rent or other monies due under the Lease shall be made from operating funds, subject to the availability of funds and appropriation annually of sufficient funds as may be required to meet the obligations of the Lease, and the Lease shall contain a clause making it subject to such appropriation or shall contain an annual cancellation clause. Neither the Township nor any agency, department or political subdivision thereof shall be obligated to pay any sum to the purchaser or lessor under the Lease from any taxing source for the payment of any sums due under the Lease unless an appropriation is made in a duly approved budget of the Township. The obligations of the Township shall not constitute indebtedness of the Township or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Township in respect thereof, and the dates on which such rental payments shall be due and payable.

Section 4. The Township Council hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rental payments due on the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

Section 5. The Township Council hereby declares its intent to issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

Section 6. This ordinance shall take effect 20 days following final publication after final adoption and otherwise as provided by law.

The following Res. #2020-136/Ord. #2020-9 (Appropriating \$200,000 Grant for Nolan Road Park Improvement Project Phase II) was introduced by reference, offered by Councilman Scalea and seconded by Councilwoman Marder. Council President Mazzola

opened the Public Hearing on Ordinance #2020-9. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-136

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

ORDINANCE #2020-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$200,000 GRANT FOR THE PRESERVATION OF OPEN SPACE IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

which was introduced on March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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

ORDINANCE #2020-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$200,000 GRANT FOR THE PRESERVATION OF OPEN SPACE IN AND BY 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 \$200,000 grant is hereby appropriated for the improvements of Nolan Road Park (Phase II) included in the Township's Open Space and Recreation Plan in and by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township").

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 Township Clerk and is available there for public inspection.

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

The following Res. #2020-137/Ord. #2020-10 (Appropriating \$215,000 Grant for Improvements to Wyncrest Road) was introduced by reference, offered by Councilman Metzger and seconded by Council President Mazzola. Council President Mazzola opened the Public Hearing on Ordinance #2020-10. 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 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2020-137

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

ORDINANCE #2020-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$215,000 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 March 19, 2020, public hearing held remotely on 23rd day of April, 2020, be adopted on second and final reading this 23rd day of April, 2020.

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 Councilman Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2020-138 (Authorizing Execution of Agreement - Farming Rights - Dimeo Property - B 159, L 1 - Conover Road), Res. #2020-139 (Authorizing Execution of Agreement - Farming Rights - McCarron Property - B 155, L 13.03 - Pleasant Valley Road), Res. #2020-140 (Authorizing One Year Contract Renewal - HVAC Maintenance), Res. #2020-141 (Authorizing One Year Contract Renewal - On Site Brush Grinding), Res. #2020-142 (Authorizing Shared Services Agreement - Marlboro BOE Bus Transportation Services - Police Youth Academy, Alliance Program and Recreation Summer Camp), Res. #2020-143 (Authorizing Award of Contract - Food Concession Service for Marlboro Swim Club), Res. #2020-144 (Approving Water Developer Agreement - State of NJ), Res. #2020-145 (Authorizing Tax Collector to Process Third Quarter Estimated Tax Bills), Res. #2020-146 (Authorizing Storm Recovery Reserve Funds to be used for State of Emergency, Res. #2020-147 (Authorizing Implementation Of Mandatory Payroll Direct Deposit For All Township Employees And Elected Officials), Res. #2020-148 (Lien Redemption).

RESOLUTION # 2020-138

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE FARMING RIGHTS TO THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "DIMEO PROPERTY" (BLOCK 159/LOT 1) LOCATED ON CONOVER ROAD

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for FARMING RIGHTS TO THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "DIMEO PROPERTY" (BLOCK 159/LOT 1) LOCATED ON CONOVER ROAD, on February 25, 2020 the Township received one (1) bid summarized as follows:

Lessee's Name	Lessee's Address	Item Description	Yearly Rate
Magnolia Acres L.L.C	250 School Road East Marlboro,	Leasing of DiMeo Property Farming	\$1,100.00

; and

WHEREAS, in a memo dated March 4, 2020, the Director of Public Works is recommending a contract be awarded to Magnolia Acres, L.L.C. whose address is 250 School Road East, Marlboro, NJ 07746; 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 an agreement be executed with Magnolia Acres, L.L.C. for the FARMING RIGHTS TO THE PARCELS OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "DIMEO PROPERTY" (BLOCK 159/LOT 1) LOCATED ON CONOVER ROAD, for a fee to be paid by the bidder in the amount of \$1,100.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, an agreement with Magnolia Acres, L.L.C., 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. Magnolia Acres, L.L.C.
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2020-139

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE FARMING RIGHTS TO THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "MCCARRON PROPERTY" (BLOCK 155/LOT 13.03) LOCATED ON PLEASANT VALLEY ROAD

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for FARMING RIGHTS TO THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "MCCARRON PROPERTY" (BLOCK 155/LOT 13.03) LOCATED ON PLEASANT VALLEY ROAD, on February 25, 2020 the Township received one (1) bid summarized as follows:

Lessee's Name	Lessee's Address	Item Description	Yearly Rate
Magnolia Acres L.L.C	250 School Road East Marlboro,	Leasing of McCarron Property Farming	\$1,100.00

; and

WHEREAS, in a memo dated March 4, 2020, the Director of Public Works is recommending a contract be awarded to Magnolia Acres, L.L.C. whose address is 250 School Road East, Marlboro, NJ 07746; 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 an agreement be executed with Magnolia Acres, L.L.C. for the FARMING RIGHTS TO THE PARCELS OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "MCCARRON PROPERTY" (BLOCK 155/LOT 13.03) LOCATED ON PLEASANT VALLEY ROAD, for a fee to be paid by the bidder in the amount of \$1,100.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, an agreement with Magnolia Acres, L.L.C., 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. Magnolia Acres, L.L.C.
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2020-140

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO PJM MECHANICAL CONTRACTORS, INC. FOR HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on June 13, 2019 (R.2019-207) the Township Council of the Township of Marlboro awarded a contract to PJM Mechanical Contractors, Inc. for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS on June 18, 2015 (R.2015-230); and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, in a memo dated April 6, 2020 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 awarded PJM Mechanical Contractors, Inc. whose address is 1688 Fifth Street, Ewing, NJ 08638 for a period of one year beginning July 1, 2020 through June 30, 2021, in an amount not to exceed \$33,943.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with PJM Mechanical Contractors, Inc. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$16,971.50 representing the 2020 portion of the contract have been certified by the Chief Financial Officer in Account #01-201-26-122-276126.

BE IT FURTHER RESOLVED that funds for the 2021 portion of the contract will be certified by the Chief Financial Officer upon adoption of the 2021 Municipal Budget.

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

- a. PJM Mechanical Contractors, Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2020-141

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO MAZZA MULCH, INC.
FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on May 3, 2018 (R.2018-177) the Township Council of the Township of Marlboro awarded a contract to MAZZA MULCH,

INC. for the PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, on May 3, 2018 (R.2018-177), the Township Council of the Township of Marlboro approved the first one-year extension of the contracts; and

WHEREAS, in a memo dated March 23, 2020 the Director of Public Works has recommended that the Township approve the second and last 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 awarded to MAZZA MULCH, INC. whose address is 3230A Shafto Road, Tinton Falls, NJ 07753 for a period of one year, in an amount not to exceed \$139,200.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with MAZZA MULCH, 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 funds in the amount of \$69,600.00 representing the Department's estimated 2020 requirement have been certified by the Chief Financial Officer from account number #01-201-26-117-288103.

WHEREAS, funds for the remaining portion will be certified by the Chief Financial Officer at the time services are ordered.

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

- a. Mazza Mulch, Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2020-142

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS TRANSPORTATION SERVICES FOR THE SUMMER CAMP, YOUTH ACADEMY AND MUNICIPAL ALLIANCE PROGRAMS

WHEREAS, the Township of Marlboro ("Township") has requested and the Marlboro Township Board of Education (the "Board") has agreed to provide bus transportation services for the Summer Camp, Youth Police Academy and Municipal Alliance ("Alliance") programs; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 29, 2020 and terminating on August 14, 2020; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 29, 2020 and terminating on August 14, 2020; and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the costs of the Transportation Services for Summer Camp shall be paid by the Township to the Board as follows:

(1) Transportation to and from the camper's home to the various camp sites at the rates specified below for an amount not to exceed \$43,875.00:

- (a) \$350.00 for each six week Summer Camp participant
- (b) \$300.00 for each five week Summer Camp participant
- (c) \$225.00 for each three week Summer Camp participant

(2) For shuttle services comprising transportation of Summer Camp participants not to exceed \$56,000.00:

- (a) to and from the Township Recreation Center for the pre and after camp program to the various camp sites
- (b) to and from the various camp sites to the Aquatics Center

(3) Transportation to and from trip destinations as determined by the Township Recreation Department, \$275.00 per day, per bus plus the cost of tolls and parking fes: for an amount not to exceed \$56,000.00.

WHEREAS, the costs of the Transportation Services for Drug and Alcohol Alliance programs shall be paid by the Township to the Board for an amount not to exceed \$1420.00 as follows:

Marlboro Middle

To Dugan 2 times round trip \$60 each
 To Asher 2 times round trip \$70 each
 To Mar-El 2 times round trip \$65 each
 To Rec Center 5 times round trip \$65 each

Marlboro Memorial

To Asher 2 times round trip \$75 each
 To Robertsville 2 times round trip \$75 each
 To Defino 2 times round trip \$75 each
 To Rec Center 3 times round trip \$85 each

WHEREAS, the costs of the Transportation Services for Drug and Alcohol Alliance programs shall be paid by the Township to the Board for an amount not to exceed \$501.25 as follows:

Tuesday August 4, 2020

Destination: Thompson Park (Pick and Drop Off Only)
Departure: 8:30 AM
Return: 1:00 PM
Total Cost: \$79.50

Thursday August 6, 2020

Destination: Newark Airport
Departure: 8:30 AM
Return: 2:00 PM
Total Cost: \$259.00

Tuesday August 11, 2020

Destination: Monmouth Police Academy, County Jail
Departure: 8:30
Return: 12:30
Total Cost: \$162.75

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

WHEREAS, the proposed Shared Services Agreement for the Transportation Services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds in the amount of \$77,937.50 for the transportation services have been certified by the Chief Financial Officer from the Recreation and Swim Utility Account 09-201-55-400-288-480, with the remaining balance of \$77,937.50 to be encumbered following adoption of the 2020 Recreation and Swim Utility Budget; and

WHEREAS, funds in the amount of \$1,420.00 for the transportation services have been certified by the Chief Financial Officer from the Grant Accounts 01-201-27-134-288286; and

WHEREAS, funds in the amount of \$501.25 for the transportation services have been certified by the Chief Financial Officer from the Current Account 01-201-25-106-288619; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$157,796.25.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program, Township Youth Police Academy and Drug and Alcohol Alliance ("Alliance") programs for the term and conditions described hereinabove.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes.

BE IT FURTHER RESOLVED that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to:

- a. Marlboro Township Board of Education
- b. Business Administrator
- c. Director of Recreation
- d. Chief of Police
- e. Alliance Coordinator
- f. Chief Financial Officer

RESOLUTION # 2020-143

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PROVISION OF FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB FOR THE MARLBORO TOWNSHIP RECREATION AND SWIM UTILITY

WHEREAS, the Township of Marlboro has advertised for the receipt of bids on two occasions for the provision of FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB FOR THE MARLBORO TOWNSHIP RECREATION AND SWIM UTILITY and on both occasions received no bids; and

WHEREAS, N.J.S.A. 40A:11-5(3) (a) provides that a contract may be negotiated and awarded by the governing body without public advertising if bids have been advertised pursuant to N.J.S.A. 40A:11-4 on two occasions and no bids have been received on both occasions in response to the advertisement; and

WHEREAS, the Director of Recreation contacted six (6) service providers and received one (1) proposal from Let's Eat Concessions LLC, 34 Newark Court, Bayonne, New Jersey 07002 for the provision of FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB; and

WHEREAS, in accordance with Local Public Contracts Law, the Township proceeded to negotiate a contract for the provision of FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB, and the Director of Recreation has confirmed that Let's Eat Concessions LLC has the wherewithal and track record necessary to perform the required services; and

WHEREAS, the Director of Recreation has recommended that Let's Eat Concessions LLC be awarded the contract to provide FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB for the 2020 Summer Season, conditioned upon the contractor providing the Township with evidence of insurance acceptable to the Township,

and for a fee to be paid by Let's Eat Concessions LLC in the amount of \$6,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded for the provision of FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB for the 2020 Summer Season, and for a fee to be paid by Let's Eat Concessions LLC in the amount of \$6,000.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Let's Eat Concessions LLC, whose address is 34 Newark Court, Bayonne, New Jersey 07002, in accordance with this resolution, the bid specifications, and in a form similar to the attached, 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. Let's Eat Concessions LLC
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Recreation

RESOLUTION #2020-144

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND THE STATE OF NEW JERSEY DEPARTMENT OF TREASURY DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION, CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL WATER SERVICE APPROVAL FOR THE SITE LOCATED ALONG CONOVER ROAD, BLOCK 159 LOT 11, INCLUDING CONNECTIONS OF LOTS 34.02 AND 34.03, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the State proposes to construct a potable water line extension across the State Property, known and referred to as "Former Marlboro Psychiatric Hospital" which will consist of the following principle element: Group Homes, and extending to the following elements located on the Facilities Property: RMS New Hope and Discovery and Mattie House (hereinafter collectively referred to as the "Project"); which has been divided into several phases including:

- Conover Road;
- Newman Springs Road (County Route 520);
- Pleasant Valley Road; and

WHEREAS, the Township of Marlboro Water Utility Division has granted approval with respect to the water service to the Project and the site and conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro Water Utility Division and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the execution by the Director of Public Works on behalf of the Township of Marlboro Water Utility Division be and is hereby ratified and the Mayor is authorized to execute and the Municipal Clerk is authorized to witness, the Developer Agreement with State of New Jersey Department of Treasury Division of Property Management and (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located along Conover Road, Block 159 Lot 11, including connections of Lots 34.02 and 34.03, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. New Jersey State Department of Treasury Division of Property Management and Construction
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. Marlboro Township Water Utility Division

RESOLUTION # 2020-145

AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER
"ESTIMATED" TAX BILLS, DUE AUGUST 1, 2020

WHEREAS, in light of the disruption caused by the coronavirus outbreak, the State has delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the DLGS *"strongly recommends"* under Local Finance Notice 2020-07 *"that municipalities prepare to issue estimated property tax bills for 2020;"* and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020 of \$170,143,306.34.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Marlboro, County of Monmouth, State of New Jersey, that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes;

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

RESOLUTION #2020-146

AUTHORIZING STORM RECOVERY RESERVE FUNDS TO BE USED FOR THE STATE OF EMERGENCY PURSUANT TO NJSA 40A:4-62.1

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), Governor Murphy declared both a Public Health Emergency and a State of Emergency throughout the State due to the public

health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, NJSA 40A:4-62.1 permits a municipality to adopt a resolution authorizing storm recovery reserve funds to be used for "any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by an emergency declared by the Governor"; and

WHEREAS, Marlboro Township established a Storm Recovery Reserve, which was approved by the Division of Local Government Services (DLGS) on January 14, 2003.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey that storm recovery reserve funds to be used to protect the safety, security, health, and welfare, of its citizens from the damage caused by Coronavirus disease 2019 ("COVID-19").

RESOLUTION #2020-147

AUTHORIZING IMPLEMENTATION OF MANDATORY PAYROLL DIRECT DEPOSIT
FOR ALL TOWNSHIP EMPLOYEES AND ELECTED OFFICIALS

WHEREAS, P.L. 2013 C.28 (codified at N.J.S.A. 52:14-15f) authorizes municipalities to provide for the mandatory direct deposit of net pay for all employees and elected officials effective on or after July 1, 2014; and

WHEREAS, Marlboro Township (the "Township") has reviewed its payroll processing methods to better align and streamline functionality, increase productivity with business operations, and provide continuity of pay; and

WHEREAS, the Township is committed to providing employee benefits designed to provide safety and reliability; and

WHEREAS, payroll direct deposit provides timeliness, safety, and reliability of employees' pay; and

WHEREAS, this policy will require employees and elected officials of the Township to indicate in writing to the Chief Financial Officer, the specific banking institution(s) and designated checking account(s) and/or savings account(s) to which the deposit shall be made on behalf of the employee or elected official; and

WHEREAS, the Township Council may provide for any special exceptions that may be permitted by law; and

WHEREAS, direct deposit will be disabled for an employee or elected official's final paycheck.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey that effective immediately pursuant to N.J.S.A. 52:14-15f, mandatory direct deposit of net pay for all employees and elected officials of the Township shall be made to the specific banking institution(s) provided by each employee or elected official.

RESOLUTION #2020-148

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$139,239.89 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 \$139,639.89 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>
2019-015	157/36.01	ATCF II NJ, LLC PO Box 54972 New Orleans, LA 70154 Assessed Owner: Nova Ventures, LLC	139,639.89

Councilwoman Marder moved that the minutes of March 19, 2020 be approved. This was seconded by Council President Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

At 7:20 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. Councilman Cantor joined the meeting as it was being adjourned.

MINUTES APPROVED: MAY 21, 2020

OFFERED BY: MAZZOLA

AYES: 3

SECONDED BY: MARDER

NAYS: 0

ABSTAIN: CANTOR, METZGER

ALIDA MANCO,
MUNICIPAL CLERK

CAROL MAZZOLA,
COUNCIL PRESIDENT