

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 15, 2018

The Marlboro Township Council held its regularly scheduled Meeting on February 15, 2018 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 24, 2018; faxed to the Board of Education Office; 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.

Council President Marder requested a moment of silence for those who lost their lives during the school shooting at Marjory Stoneman Douglas High School in Parkland, Florida.

The Clerk called the Roll.

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

Also present were: Mayor Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Suzanne Branagan.

Council Vice President Metzger moved that the minutes of February 1, 2018 be adopted. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0, with Councilman Scalea and Council President Marder abstaining.

The following Resolution #2018-93 (Authorizing 2018 Temporary Emergency Budget Appropriations) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman Scalea and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-93

EMERGENCY TEMPORARY APPROPRIATION  
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2018 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2017 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2017 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$21,525,753.19 for the municipal budget, \$7,123,868.22 for the operations of the water utility, and \$1,352,629.97 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2018 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

The following Resolution #2018-94/Ordinance #2018-1 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Councilman Scalea and seconded by Councilwoman Mazzola. Council President Marder opened the Public Hearing on Ordinance #2018-1. 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 # 2018-94

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

ORDINANCE # 2018-1

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$7,846,708 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,454,367 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

which was introduced on February 1, 2018, public hearing held on February 15, 2018, be adopted on second and final reading this 15th day of February, 2018.

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

ORDINANCE # 2018-1

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$7,846,708 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,454,367 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 \$7,846,708, and further including the aggregate sum of \$392,341 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made from an emergency temporary appropriation adopted prior to the adoption of this bond ordinance.

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 \$7,454,367 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 &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) <u>Administration</u> 1) The acquisition of equipment, including, but not limited to, 5 year MS Licensing, rack mount servers and storage devices, personal computers and laptops and furniture, and further including all related costs and expenditures incidental thereto.  2) The acquisition of a phone system, including all related costs and expenditures incidental thereto.	\$247,452  \$35,700	\$235,079  \$33,915	5 years  10 years
b) <u>Engineering</u> 1) The Road Improvement Program, including street improvements and	\$4,447,200	\$4,224,840	10 years

<p>resurfacing of various streets, all as set forth on a list on file in the Office of the Clerk, and Greenbriar Paving Program, and further including all work and materials necessary therefor and incidental thereto.</p>			
<p>2) Willow Brook Streambank stabilization and related Pleasant Valley paving, including all work and materials necessary therefor and incidental thereto.</p>	\$539,284	\$512,320	15 years
<p>3) Drainage improvement projects, including all work and materials necessary therefor and incidental thereto.</p>	\$183,600	\$174,420	15 years
<p>4) Above ground storage tank improvements at the Department of Public Works Yard, including all work and materials necessary therefor and incidental thereto.</p>	\$204,000	\$193,800	15 years
<p>5) Site Remediation Projects, including all work and materials necessary</p>	\$102,000	\$96,900	15 years

therefor and incidental thereto.			
6) Improvements to the Union Hill bus shelter, including all work and materials necessary therefor and incidental thereto.	\$30,600	\$29,070	15 years
c) <u>Emergency Medical Services</u> The acquisition of an ambulance, including all related costs and expenditures incidental thereto.	\$239,700	\$227,715	5 years
d) <u>Police</u> 1) The acquisition of trucks/vans and furniture, including all related costs and expenditures incidental thereto.	\$86,381	\$82,062	5 years
2) The acquisition of equipment, including, but not limited, to, equipment for police vehicles, vests, holsters, breathalyzer, duplicator, CRP training equipment, defibrillator training equipment, explosives, speed display, data collector, message board, hand radar and a vehicle mounted license plate reader, and further including all related costs and	\$260,400	\$247,377	10 years

expenditures incidental thereto.			
e) <u>Department of Public Works</u>			
1) The acquisition of vehicles, including, but not limited to, a dump truck with plow/spreader/wetting system and a pick-up truck with plow, and the acquisition of furniture and further including all related costs and expenditures incidental thereto.	\$286,314	\$271,998	5 years
2) The refurbishment of trucks to extend the useful life by at least 5 years, including all work and materials necessary therefor and incidental thereto.	\$48,450	\$46,027	5 years
3) The acquisition of equipment, including, but not limited to, a material conveyor and a utility tractor, and further including all related costs and expenditures incidental thereto.	\$229,500	\$218,025	15 years
4) Building improvements to public properties, including all work and materials necessary therefor and incidental thereto.	\$306,000	\$290,700	15 years

<p>f) <u>Recreation</u></p> <p>1) The acquisition of a minivan, including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of a screen and sound system, including all related costs and expenditures incidental thereto.</p> <p>3) Various improvements to the indoor recreation facility, surface improvements to tennis courts, repairs to gazebo/rotunda structure, court surface improvements, playground surface improvements, basketball court surface improvements, the acquisition and installation of fencing, and the acquisition of lifeguard chairs and a play unit, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.</p>	<p>\$24,480</p> <p>\$5,100</p> <p>\$524,958</p>	<p>\$23,256</p> <p>\$4,845</p> <p>\$498,708</p>	<p>5 years</p> <p>10 years</p> <p>15 years</p>
<p>g) <u>911 Expenses</u></p>			



Improvements to the police communication center and upgrades to the alarm monitoring system, including all work and materials necessary therefor and incidental thereto.	<u>\$45,589</u>	<u>\$43,310</u>	10 years
TOTAL:	<u>\$7,846,708</u>	<u>\$7,454,367</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 10.75 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 \$7,454,367, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$785,000 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 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 Resolution #2018-95/Ordinance #2018-2 (Bond Ordinance - Water Capital Improvements) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea. Council President Marder opened the Public Hearing on Ordinance #2018-2. 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 # 2018-95

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

ORDINANCE # 2018-2

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$2,634,489 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,634,489 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

which was introduced on February 1, 2018, public hearing held on February 15, 2018, be adopted on second and final reading this 15th day of February, 2018.

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

ORDINANCE # 2018-2

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$2,634,489 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,634,489 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 improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,634,489. 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 improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,634,489 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>	Appropriation & <u>Estimated Cost</u>	Estimated Maximum Amount of <u>Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of equipment, including, but not limited to, operational tools and equipment, meters, hydrants, valves and pipes, and valve replacement and further including all related costs and expenditures incidental thereto.	\$509,828	\$509,828	15 years
b) Improvements to the Supervisory Control And Data Acquisition System, emergency repairs and the Water Quality Accountability Act Compliance - Asset	\$410,041	\$410,041	15 years

Management Plan, including all work and materials necessary therefor and incidental thereto.			
c) The rehabilitation of a water tank, including all work and materials necessary therefor and incidental thereto.	\$1,203,600	\$1,203,600	20 years
d) The construction of a new backup well 5A and shelter at Tennent Road, modifications to the Middlesex Water Company meter chambers, installation of a water main and the installation of a new system interconnection, including all work and materials necessary therefor and incidental thereto.	<u>\$511,020</u>	<u>\$511,020</u>	40 years
TOTAL:	<u>\$2,634,489</u>	<u>\$2,634,489</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. 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. 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 improvements or purposes that the Township may lawfully undertake as self-liquidating purposes 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 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 22.13 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 \$2,634,489, 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 \$265,000 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 described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the costs 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 Resolution #2018-96/Ordinance #2018-3 (Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Cantor. Council President Marder opened the Public Hearing on Ordinance #2018-3. 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 5 - 0 in favor.

RESOLUTION # 2018-96

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

ORDINANCE # 2018-3

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 February 1, 2018, public hearing held on  
February 15, 2018, be adopted on second and final reading this  
15th day of February, 2018.

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

ORDINANCE # 2018-3

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 \$190,000. 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 Resolution #2018-97/Ordinance #2018-4 (Appropriating \$300,000 from Capital Surplus for Improvements to H & L Fields) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Metzger. Council President Marder opened the Public Hearing on Ordinance #2018-4. 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 5 - 0 in favor.

RESOLUTION # 2018-97

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

ORDINANCE # 2018-4

AN ORDINANCE APPROPRIATING \$194,477.02 GRANT FROM NEW JERSEY GREEN ACRES AND \$300,000.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO ATHLETIC FIELDS AT THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF MARLBORO

which was introduced on February 1, 2018, public hearing held on February 15, 2018, be adopted on second and final reading this 15th day of February, 2018.

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

The following Resolution #2018-98/Ordinance #2018-5 (Amending and Supplementing Various License and Permit Fees and Adopting an Official Tort Claim Form) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea. Council President Marder opened the Public Hearing on Ordinance #2018-5. 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 5 - 0 in favor.

RESOLUTION # 2018-98

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

ORDINANCE # 2018-5

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES FOR LAND USE; UNIFORM CONSTRUCTION CODE; NON-LIFE HAZARD USE OCCUPANCY; COMMUNITY GARDEN; BID SPECIFICATIONS; WRECKER LICENSES; PARKING PERMITS; WATER UTILITY; WRECKERS; RECREATION & SWIM PROGRAMS OF THE CODE OF THE TOWNSHIP OF MARLBORO AND ADOPTING AN OFFICIAL TORT CLAIM FORM

which was introduced on February 1, 2018, public hearing held on February 15, 2018, be adopted on second and final reading this 15th day of February, 2018.

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

The following Resolution #2018-99/Ordinance #2018-6 (Fixing Salaries - Various Officers and Employees) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea. Council President Marder opened the Public Hearing on Ordinance #2018-6. 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 5 - 0 in favor.

RESOLUTION # 2018-99

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

ORDINANCE # 2018-6

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 2018

which was introduced on February 1, 2018, public hearing held on February 15, 2018, be adopted on second and final reading this 15th day of February, 2018.

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

The following Resolution #2018-100/Ordinance #2018-7 (Authorizing Appropriation Monmouth County Open Space Grant - Stattel Farm, B 225, L 191) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President Metzger. Council President Marder opened the Public Hearing on Ordinance #2018-7. 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 5 - 0 in favor.

RESOLUTION # 2018-100

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

ORDINANCE # 2018-7

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$250,000 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 February 1, 2018, public hearing held on February 15, 2018, be adopted on second and final reading this 15th day of February, 2018.

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

The following Resolution #2018-101 (Place to Place Transfer (Expansion of Premises) - Cuzin's Clam Bar) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Cantor and was passed on a roll call vote of 5 - 0 in favor).

RESOLUTION # 2018-101

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING  
A PLACE TO PLACE TRANSFER OF PLENARY RETAIL  
CONSUMPTION LICENSE NUMBER 1328-33-020-003 ISSUED TO  
CUZIN'S CLAM BAR LLC T/A CUZIN'S CLAM BAR

WHEREAS, application was made to the Township of Marlboro ("Township") by Cuzin's Clam Bar LLC ("Applicant") for a place

to place transfer of Plenary Retail Consumption License Number 1328-33-020-003 ("License") presently held by Cuzin's Clam Bar LLC to permit the expansion of the licensed premises.

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the place to place transfer of the aforesaid plenary retail consumption license to permit the expansion of the licensed premises.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by Cuzin's Clam Bar LLC T/A Cuzin's Clam Bar for a place to place transfer of Plenary Retail Consumption License Number 1328-33-020-003 presently held Cuzin's Clam Bar LLC T/A Cuzin's Clam Bar to permit the expansion of the licensed premises, be and is hereby is approved.

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

- a. Cuzin's Clam Bar LLC T/A Cuzin's Clam Bar  
130 Route 79 South, Unit #8, Marlboro, NJ 07746
- b. Township Administrator
- c. Township Building Department
- d. Township Zoning Officer
- e. Township Police Department
- f. Township Attorney

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Council President Marder, and was passed on a roll call vote of 5 - 0 in favor: Res. #2018-102 (Authorizing 2017 Budget Transfers), Res. #2018-103 (Authorizing Unexpended 2017 Balances Budgeted for Snow Removal to Lapse into Snow Removal Reserve), Res. #2018-104 (Authorizing Unexpended 2017 Balances Budgeted for Accumulated Absences to Lapse into Accumulated Absences Reserve), Res. #2018-105 (Approving Continuation of Group Dental Coverage for Employees), Res. #2018-106 (Authorizing Renewal of Contract for Disposal of Asphalt Millings, Concrete, Brick and Block), Res. #2018-107 (Confirming Sale of Solar Renewable Energy Credits and Cancellation of 2017 Contract for Sale of S-Recs), Res. #2018-108 (Award of Bid - Provision of Chemicals), Res. #2018-109 (Authorizing Professional Engineering Services for Recreation Court Improvement Projects), Res. #2018-110 (Authorizing Renewal of Contract - Food Concession for Marlboro Swim Club), Res. #2018-

111 (Authorizing MRECS Co-op Purchase of Asphalt Hotbox(2017 Capital ID 120-08)).

RESOLUTION # 2018-102

RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION RESERVES  
DURING FIRST THREE MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2017 Municipal Budget) as follows:

Current Fund:		
Account	From	To
(2017) Employee Insurance - Other Expenses	\$ 60,000.00	
(2017) Police Salaries & Wages	111,000.00	
(2017) Liability Insurance - Other Expenses		\$ 40,000.00
(2017) Snow Removal Other Expenses		65,000.00
(2017) Road Maintenance Salaries & Wages		5,000.00
(2017) Vehicle Maintenance Salaries & Wages		5,000.00
(2017) Parks Maintenance Salaries & Wages		5,000.00
(2017) Vehicle Maintenance Other Expenses		1,000.00
(2017) Accumulated Absences		49,000.00
(2017) Natural Gas Other Expenses		1,000.00
	\$ 171,000.00	\$ 171,000.00

RESOLUTION # 2018-103

RESOLUTION AUTHORIZING UNEXPENDED 2017 BALANCES  
BUDGETED FOR SNOW REMOVAL TO BE LAPSED INTO THE SNOW  
REMOVAL RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and



WHEREAS, once a snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$250,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$250,000.00 of unexpended 2017 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION # 2018-104

RESOLUTION AUTHORIZING UNEXPENDED 2017 BALANCES BUDGETED FOR ACCUMULATED ABSENCES TO BE LAPSED INTO THE ACCUMULATED ABSENCE RESERVE PURSUANT TO NJAC 5:30-15

WHEREAS, NJAC 5:30-15 permits a local unit to establish a reserve for the payment of accumulated absences; and

WHEREAS, the Township of Marlboro has established a reserve for accumulated absences; and

WHEREAS, once an accumulated absence reserve is established, unexpended balances budgeted annually for compensated absences may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$50,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$50,000.00 of unexpended 2017 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION # 2018-105

A RESOLUTION APPROVING THE CONTINUATION OF GROUP DENTAL COVERAGE PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITH DELTA DENTAL FOR MARCH 1, 2018 THROUGH FEBRUARY 28, 2020

WHEREAS, the Township of Marlboro currently provides group dental coverage for its eligible employees and their dependents under a program administered by Delta Dental; and

WHEREAS, in 2016, in an effort to provide the most cost effective coverage for the Township's eligible employees and their dependents, the Township authorized its insurance consultant, North American Insurance Management Corporation ("NAIMC"), to obtain competitive quotes for dental coverage; and

WHEREAS, on behalf of the Township, NAIMC received competitive quotes in response to the solicitation, and after evaluating several factors including estimated plan cost, network and provider coverage (disruption), rate guarantees and Township loss history, recommended that the Township renew with Delta Dental for the 2016-17 plan year which included a two (2) year rate guarantee; and

WHEREAS, in 2018, the Township again authorized its insurance consultant, North American Insurance Management Corporation ("NAIMC") to review the Township's group dental coverage program options; and

WHEREAS, Delta Dental has proposed to continue coverage for Township employees with no rate increase and is offering a two (2) year rate guarantee at \$45.60/month (single) and \$123.05/month (family) for an estimated total annual cost of \$220,000.00; and

WHEREAS, after evaluating all of the factors, NAIMC has recommended that the Township renew with Delta Dental for the 2018 and 2019 plan years; and

WHEREAS, the Township concurs with the recommendation of its insurance consultant; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$183,334.00 are available for this purpose from Account # 01-201-23-100-203; and

WHEREAS, funds for the 2019 plan year will be made available and certified by the Chief Financial Officer from Account #01-201-23-100-203 upon adoption of the 2019 and 2020 municipal budgets; and

WHEREAS, contracts for the purchase of insurance coverage and consultant services may be awarded without public bidding pursuant

to N.J.S.A. 40A:11-5(1)(m), in accordance with the requirements for extraordinary unspecifiable services.

WHEREAS, contracts for the purchase of insurance coverage may be awarded with a term not to exceed three (3) years pursuant to N.J.S.A. 40A:11-15(6).

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Clerk to witness, any documents necessary to enter into an agreement with Delta Dental for the provision of group dental coverage for the Township of Marlboro's eligible employees and their dependents for the periods March 1, 2018 - February 28, 2020 at \$45.60/month (single) and \$123.05/month (family) for an estimated total annual cost of \$220,000.00.

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

- a. North American Insurance Management Corporation
- b. Delta Dental
- c. Township Administrator
- d. Township Chief Financial Officer

RESOLUTION # 2018-106

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACTS TO  
STAVOLA ASPHALT COMPANY AND MAZZA & SONS FOR DISPOSAL  
OF ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK FOR THE  
DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Marlboro Township Department of Public Works performs routine asphalt repair work and repairs to inlets and catch basins; and

WHEREAS, the repair work results in asphalt millings, concrete, brick and block that must be disposed of properly at licensed facilities; and

WHEREAS, on March 24, 2016 (R. 2016-125) the Township Council of the Township of Marlboro awarded contracts to STAVOLA ASPHALT COMPANY, INC. and MAZZA & SONS, INC. for the disposal of Township transported asphalt milling, concrete, brick and block for the Department of Public Works (DPW); and

WHEREAS, the bid specifications included the option to renew said contracts for an additional one (1) two-year, or two (2) one-year extensions on the same terms and conditions at the exclusive

option of the Township; and

WHEREAS, on March 16, 2017 (R.2017-127) the Township Council of the Township of Marlboro approved the first one-year extension of the contracts; and

WHEREAS, in a memo dated February 7, 2018, the Director of Public Works has recommended that the Township approve a second and final one (1) year extension of the contract with STAVOLA ASPHALT COMPANY, INC. for the disposal of asphalt millings or pieces at the bid price of \$30.00 per ton; and

WHEREAS, in a memo dated February 7, 2018, the Director of Public Works has recommended that the Township approve a second and final one (1) year extension of the contract with MAZZA & SONS, INC. for the disposal of clean concrete at the bid price of \$9.00 per ton and concrete encased in metal at the bid price of \$19.00 per ton; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, that the contract be renewed with STAVOLA ASPHALT COMPANY, INC. whose address is 175 Drift Road, Tinton Falls, NJ 07724 for the disposal of asphalt millings or pieces at the bid price of \$30.00 per ton for the period of April 1, 2018 through March 31, 2019.

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that a contract be renewed with MAZZA & SONS, INC. whose address is 3230 Shafto Road, Tinton Falls, NJ 07753 for the disposal of clean concrete at the bid price of \$9.00 per ton and concrete encased in metal at the bid price of \$19.00 per ton for the period of April 1, 2018 through March 31, 2019.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with STAVOLA ASPHALT COMPANY, INC. and MAZZA & SONS, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED that the Chief Financial Officer will certify funds from Capital Accounts #04-215-17-02D-060288 and #04-215-17-02D-060288 at the time material disposal is needed.

BE IT FURTHER RESOLVED that a certified copy of this

Resolution shall be provided to each of the following:

- a. Stavola Asphalt Co., INC.
- b. Mazza & Sons, Inc.
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Director of Public Works

RESOLUTION # 2018-107

RESOLUTION CONFIRMING SALE OF SOLAR RENEWABLE  
ENERGY CREDITS (S-RECS) THROUGH INTERNET-BASED  
AUCTIONS AND CANCELLATION OF 2017 CONTRACT  
FOR THE SALE OF S-RECS (EY 2018)

WHEREAS, on January 18, 2018 (R. 2018-064) the Township Council authorized the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provision of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30) and approved the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet- based auction platform; and

WHEREAS, the Township Council authorized an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as the on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's sale of S-RECS; and

WHEREAS on February 5, 2018 the Township's Broker, Marex Spectron reported the high bid offer of \$227.50 per S-REC for the Township's 900 S-RECS (EY 2019) and high bid offer of \$205.00 per S-REC for the Township's 450 S-RECS (EY 2020), both by EDF Trading North America, 4700 W Sam Houston Parkway North, Suite 250, Houston, TX 77041; and

WHEREAS, pursuant to R. 2018-064, the Township accepted the high bid offers of \$227.50 per S-REC for the EY 2019 S-RECs and \$205.00 per S-REC for the EY 2020 S-RECs.

WHEREAS, on February 2, 2017 (R. 2017-091) the Township Council confirmed an agreement with EDF Trading North America for the sale of 450 EY 2018 S-RECs at a high bid price of \$222.50, and a contract was executed with EDF Trading North America on February 6, 2017; and

WHEREAS, it has been determined that a contract had previously been presented by and executed with EDF Trading North America in 2015 (R. 2015-291) for the sale of the 450 S-RECs (EY 2018); and

WHEREAS, the Township and EDF Trading North America have resolved to cancel the 2017 agreement for the sale of 450 S-RECs (EY 2018).

NOW THEREFORE BE IT RESOLVED that the Township Council hereby confirms:

- (1) the acceptance of the high bid offer of \$227.50 per S-REC for the Township's 900 S-RECS (EY 2019) by EDF Trading North America, 4700 W Sam Houston Parkway North, Suite 250, Houston, TX 77041;
- (2) the acceptance of the high bid offer of \$205.00 per S-REC for the Township's 450 S-RECS (EY 2020) by EDF Trading North America, 4700 W Sam Houston Parkway North, Suite 250, Houston, TX 77041;
- (3) the cancellation of the agreement dated February 6, 2017 with EDF Trading North America, 4700 W Sam Houston Parkway North, Suite 250, Houston, TX 77041 for the sale of 450 S-RECs (EY 2018).

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the necessary documents in a form approved by the Township Attorney to effectuate the transaction.

RESOLUTION # 2018-108

A RESOLUTION AWARDED CONTRACTS TO GEORGE S. COYNE CHEMICAL CO. INC, REED & PERRINE SALES, KLENZOID INC., AND MAIN POOL & CHEMICAL CO. INC. FOR THE SUPPLY OF SPECIFIED CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the Supply of Chemicals for the Township of Marlboro Water Utility Division and Recreation and Swim Utility, and on January 31, 2018, received six (6) bids therefor; and

WHEREAS, the bid specifications indicated that the Township reserved the right to award each item separately to the lowest responsible bidder meeting the specifications; and

WHEREAS, the six (6) bids received were as follows:

Company	Contract 1A Liquid Chlorine	Contract 1B Hydrated Lyme	Contract 1C Zinc Orthophosphate	Contract 1D Sodium Hypochlorite	Contract 1E Sodium Hydroxide
Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727	No Bid	No Bid	No Bid	1.589/gal	No Bid
Kuehne Chemical Company Inc. 80 N. Hackensack Ave. South Kearny, NJ 07032	No Bid	No Bid	No Bid	2.10/gal	1.4667/gal
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641	No bid	No bid	No bid	1.485/gal	1.37/gal
George S. Coyne Chemical Co. Inc 3015 State Road Croydon, PA 19021	2.9787/lb	.3880/lb	.7231/lb	1.703/gal	2.41/gal
Klenzoid, Inc. 912 Spring Mill Ave. Conshohocken, PA 19428	No bid	No bid	.565/lb	No bid	No bid
Reed & Perrine Sales 396 Main Street Tennent, NJ 07763	No bid	.1984/lb	No bid	No bid	No bid

Company	Contract 1F Recreation and Swim Utility Pool Chemicals			
	Sodium Hypochlorite	Sodium Bicarbonate	Calcium Chloride	Sodium Thiosulfate
Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727	1.589/gal	22.99/bag	20.00/bag	43.99/bag
Kuehne Chemical Company Inc. 80 N. Hackensack Ave. South Kearny, NJ 07032	No bid	No bid	No bid	No bid
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641	1.485/gal	18.75/bag	17.75/bag	38.50/bag
George S. Coyne Chemical Co. Inc. 3015 State Road	No bid	No bid	No bid	No bid
Klenzoid, Inc. 912 Spring Mill Ave. Conshohocken, PA 19428	No bid	No bid	No bid	No bid
Reed & Perrine Sales 396 Main Street Tennent, NJ 07763	No bid	No bid	No bid	No bid

and;

WHEREAS, the Township Administration, the Director of Public Works and the Recreation Director have reviewed said bids received and have recommended that a split award be made; and

WHEREAS, in a memo dated February 9, 2018, the Director of Public Works recommends that George S. Coyne Chemical Co. Inc. be awarded Contract 1A for the following items as the lowest responsible bidder for same:

Type	Quantity: UP TO	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
1A, Liquid Chlorine	7,500 lbs	2.9787/lb.	22,340.25

WHEREAS, in a memo dated February 9, 2018, the Director of Public Works further recommends that Reed & Perrine Sales be awarded Contract 1B for the following items as the lowest responsible bidder for same:

Type	Quantity: UP TO	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
1B, Hydrated Lime	175,000 lbs	.1984/lb.	34,720.00

WHEREAS, in a memo dated February 9, 2018, the Director of Public Works further recommends that Klenzoid Inc. be awarded Contract 1C for the following items as the lowest responsible bidder for same:

Type	Quantity: UP TO	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
1C, Zinc Orthophosphate	33,000 lbs	.5650/lb.	18,645.00

WHEREAS, in a memo dated February 9, 2018, the Director of Public Works further recommends that Main Pool & Chemical Co. Inc. be awarded Contract 1D, Contract 1E, and Contract 1F for the following items as the lowest responsible bidder for same:

Type	Quantity: UP TO	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
1D, Sodium Hypochlorite	90,000 gal.	1.4850/gal.	133,650.00
1E, Sodium Hydroxide	125,000 gal.	1.3700/gal.	171,250.00
1F, Sodium Hypochlorite	12,000 gal.	1.4850/gal.	17,820.00
1F, Sodium Bicarbonate	160 bags	18.75/bag	3,000.00
1F, Calcium	160 bags	17.75/bag	2,840.00



Chloride			
1F, Sodium Thiosulfate	32 bags	38.50/bag	1,232.00

WHEREAS, the Chief Financial Officer has certified that funds for the 2018 portion of the contracts in the amount of \$285,453.94 are available in the Water Utility Account #05-201-55-500-293020 and funds in the amount of \$24,892.00 for the full 2018 summer season are available in Recreation Utility Accounts #09-201-55-400-293452 & 09-201-55-400-293451; and

WHEREAS, funds for the 2019 portion of each contract in the total amount of \$95,151.31 will be certified by the Chief Financial Officer for this purpose upon adoption of the 2019 Municipal Budget; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1A be awarded to George S. Coyne Chemical Co. Inc. whose address is 3015 State Road, Croydon, PA 19021 for the Supply of Liquid Chlorine for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$22,340.25 and for a term of one (1) year beginning on April 1, 2018 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1B be awarded to Reed & Perrine Sales whose address is 396 Main Street, Tennent, NJ 07763 for the Supply of Hydrated Lime for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$34,720.00 and for a term of one (1) year beginning on April 1, 2018 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a Contract 1C be awarded to Klensoid Inc. whose address is 912 Spring Mill Avenue, Conshohocken, PA 19428 for the Supply of Zinc Orthophosphate for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$18,645.00 and for a term of one (1) year beginning on April 1, 2018 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1D, Contract 1E, and Contract 1F be awarded to Main Pool & Chemical Co. Inc. whose address is 110 Commerce Road, Dupont, PA 18641 for the Supply of Sodium Hypochlorite and Sodium Hydroxide, for the Township of Marlboro Water Utility Division, and for the supply of Sodium Hypochlorite, Sodium Bicarbonate, Calcium Chloride, and Sodium Thiosulfate for the Township of Marlboro Recreation and Swim Utility, for a contract amount not to exceed \$329,792.00 and for a term of one (1) year beginning on April 1, 2018 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with GEORGE S. COYNE CHEMICAL CO. INC., REED & PERRINE SALES, KLENZOID INC., AND MAIN POOL & CHEMICAL CO. 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 a certified copy of this Resolution shall be provided to each of the following:

- a. George S. Coyne Chemical Co. Inc.
- b. Reed & Perrine Sales Inc.
- c. Klenzoid Inc.
- d. Main Pool & Chemical Co. Inc.
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. Township Director of Public Works
- h. Township Recreation Director

RESOLUTION # 2018-109

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL  
ENGINEERING SERVICES IN CONNECTION WITH COURT  
RESURFACING PROJECTS FOR THE DEPARTMENT OF RECREATION

WHEREAS, the Township of Marlboro as part of its multi-year capital program authorized the following court resurfacing projects for the Department of Recreation ("Project"):

Year	Project ID	Project Name
2017/ 2018	145-21,22,24 (44,45,46)	Hawkins Road Park
2012	145-20	Robertsville School
2018	145-02	Robertsville School
2015	145-01	Nolan Road Park
2014	400-25.1, 25.2	Country Park
2018	145-10	Falson Park
2018	145-11	Marlin Estates Park
2018	145-06	Aquatic Center

WHEREAS, the Township has been awarded a \$145,000.00 grant by the Monmouth County Park System for improvements to Nolan Road Park; and

WHEREAS, the Township is in need of professional engineering, design, bid and construction management services in connection with the Project; and

WHEREAS, CME Associates has provided a proposal dated February 8, 2018 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$83,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$83,000.00 are available for this purpose from the following accounts:

Project Name	Accounts	Amount
Hawkins Road Park	04-215-04-01A-145288	12,040.00
Robertsville School	04-215-15-02G-145288 (*18)	15,500.00
Nolan Road Park	04-215-15-02G-145288	45,000.00
Country Park	10-215-14-04A-452288	2,000.00
Falson Park	04-215-15-02G-145288 (*18)	5,660.00

Marlin Estates Park	04-215-15-02G-145288 (*18)	2,800.00
Aquatic Center	04-215-15-02G-145288 (*18)	0.00

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include engineering services in connection with the court resurfacing project by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$83,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated February 8, 2018 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$83,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2018-110

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO JHBS RESTAURANTS, INC. FOR THE PROVISION OF FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB FOR THE TOWNSHIP OF MARLBORO RECREATION AND SWIM UTILITY

WHEREAS, on April 20, 2017 (R.2017-149) the Township Council of the Township of Marlboro awarded a contract to JHBS RESTAURANTS, INC. for THE PROVISION OF FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB FOR THE TOWNSHIP OF MARLBORO RECREATION AND SWIM UTILITY; 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 February 8, 2018 the Director of Recreation has recommended that the Township approve a 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 JHBS RESTAURANTS, INC. whose address is 104 1<sup>st</sup> Avenue, Apartment 7, Belmar, New Jersey 07719 for the 2018 summer season, for a payment of \$7,000.00 to be made by the concessioner.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with JHBS RESTAURANTS, 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 a certified copy of this Resolution shall be provided to each of the following:

- a. JHBS Restaurants, Inc.
- b. Township Business Administrator
- c. Township Recreation Director
- d. Township Chief Financial Officer

RESOLUTION # 2018-111

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO TRIUS INC.  
FOR THE PURCHASE OF AN ASPHALT HOT BOX MACHINE AND  
RELATED EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2017 capital program (120-08) authorized the purchase of a new ASPHALT HOT BOX MACHINE for the Department of Public Works in order to maintain and repair the Township roads; and

WHEREAS, the Township is authorized to purchase an ASPHALT HOT BOX MACHINE from bids obtained from a cooperative pricing system such as the Middlesex Regional Educational Services Commission (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MRESC conducted a public bidding process and awarded a contract to TRIUS INC. for the provision of GROUNDS EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that TRIUS INC. has agreed to extend the pricing provided to MRESC to Marlboro Township through the MRESC Cooperative Purchasing Program; and

WHEREAS, TRIUS INC. was awarded MRESC Cooperative Purchasing Program Contract #MRESC 15/16-08 for the KMI Model KM 8000TEDD Asphalt Hot Box Machine equipped with all options for a price of \$39,716.70, with the exception of a heated shovel deck, bucket rings, and LED strobe work lights mounted to the rear bumper for a price of \$1,875.00; and

WHEREAS, while impractical to purchase the above-listed machine options separately from the machine themselves, the Township attempted to solicit pricing on those options not

covered under the MRESC Cooperative Purchasing Program, and determined that the price quoted by TRIUS INC was the lowest and most advantageous; and

WHEREAS, the Township of Department of Public Works is in need of an ASPHALT HOT BOX MACHINE AND RELATED EQUIPMENT in order to maintain and repair the Township roads; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain an ASPHALT HOT BOX MACHINE AND RELATED EQUIPMENT under the MRESC Cooperative Purchasing Program in order to maintain and repair the Township roads; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in the amount not to exceed \$41,591.70 from capital account 04-215-17-02H-120297; and

WHEREAS, the Township Council desires to approve the purchase of said ASPHALT HOT BOX MACHINE AND RELATED EQUIPMENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase an ASPHALT HOT BOX MACHINE AND RELATED EQUIPMENT from TRUIS INC. pursuant to the bid obtained by the MRESC Cooperative Purchasing Program, for a total amount not to exceed \$41,591.70.

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

- a. Trius Inc.
- b. Township Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer
- e. Insurance

At 7:35 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council President Marder and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 1, 2018

OFFERED BY: MAZZOLA AYES: 5

SECONDED BY: METZGER NAYS: 0

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ALIDA MANCO  
MUNICIPAL CLERK

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RANDI MARDER  
COUNCIL PRESIDENT