

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 21, 2019

The Marlboro Township Council held its regularly scheduled meeting on February 21, 2019 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 7, 2019; published in the Asbury Park Press on January 9, 2019; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

Also present: Mayor Jonathan L. Hornik, Brian Trelease P. Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Suzanne Branagan.

Councilman Scalea moved that the minutes of February 7, 2019 be adopted. This was seconded by Councilman Cantor and passed on a roll call vote of 3 - 0 in favor with Councilman Cantor abstaining (Absent: Marder).

The following Resolution #2019-87/Ordinance #2019-1 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Mazzola. Council President Metzger opened the Public Hearing on Ordinance #2019-1. 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 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2019-87

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

ORDINANCE # 2019-1

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$6,979,662 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,630,690 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

which was introduced on February 7, 2019, public hearing held on February 21, 2019, be adopted on second and final reading this 21st day of February, 2019.

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

ORDINANCE # 2019-1

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$6,979,662 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,630,690 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 \$6,979,662, and further including the aggregate sum of \$348,972 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 \$6,630,690 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 & Notes</u>	<u>Period of Usefulness</u>
a) <u>Buildings</u> Various improvements, including, but not limited to, improvements to Marlboro First Aid Squad, building improvements at Morganville First Aid Squad and building improvements to public properties and further including all work and materials necessary therefor and incidental thereto.	\$193,800	\$184,110	15 years
b) <u>Department of Public Works</u>			

<p>1) The refurbishment of trucks and the acquisition of vehicles, including, but not limited to, a garbage packer and further including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of equipment and further including all related costs and expenditures incidental thereto.</p>	<p>\$229,500</p> <p>\$300,390</p>	<p>\$218,025</p> <p>\$285,371</p>	<p>5 years</p> <p>15 years</p>
<p>c) <u>Police Department</u></p> <p>1) The acquisition of vehicles, including, but not limited to, trucks and vans and further including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of equipment, including, but not limited to, equipment for police vehicles and weapons systems and accessories and further including all related costs and expenditures incidental thereto.</p> <p>3) Improvements to the police</p>	<p>\$ 85,680</p> <p>\$289,994</p>	<p>\$ 81,396</p> <p>\$275,496</p>	<p>5 years</p> <p>5 years</p>

communications system and the acquisition of equipment, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	\$ 60,526	\$ 57,503	10 years
4) The acquisition of furniture, including all related costs and expenditures incidental thereto.	\$2,503	\$2,378	5 years
d) <u>Offices:</u> 1) The acquisition of furniture, including all related costs and expenditures incidental thereto.	\$4,059	\$3,857	5 years
2) The acquisition of equipment, including, but not limited to, a document shredder and further including all related costs and expenditures incidental thereto.	\$5,355	\$5,088	5 years

<p>e) <u>Management Information System</u> Management information system infrastructure improvements and the acquisition of management information system equipment, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.</p>	<p>\$218,688</p>	<p>\$207,755</p>	<p>5 years</p>
<p>f) <u>Roads</u> 1) Street improvements and resurfacing, 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.</p>	<p>\$5,100,000</p>	<p>\$4,845,000</p>	<p>10 years</p>
<p>g) <u>Storm Drainage</u> Various storm drainage improvements, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$30,600</p>	<p>\$29,070</p>	<p>20 years</p>
<p>h) <u>Parks</u> 1) Various park improvements,</p>			

including, but not limited to, engineering expenses and other related expenses associated with pathway, lighting, and signage, including all work and materials necessary therefor and incidental thereto.	\$43,860	\$41,667	10 years
2) Various park improvements, including but not limited to improvements to fields and courts, including all work and materials necessary therefor and incidental thereto.	\$392,267	\$372,656	15 years
i) <u>Miscellaneous</u> The acquisition of vehicles, including all related costs and expenditures incidental thereto.	<u>\$22,440</u>	<u>\$21,318</u>	5 years
Total:	<u>\$6,979,662</u>	<u>\$6,630,690</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 10.06 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 \$6,630,690, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$867,165 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 #2019-88/Ordinance #2019-2 (Bond Ordinance - Water Capital Improvements) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Mazzola. Council President Metzger opened the Public Hearing on Ordinance #2019-2. 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 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2019-88

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

ORDINANCE # 2019-2

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 \$3,035,111 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,035,111 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

which was introduced on February 7, 2019, public hearing held on February 21, 2019, be adopted on second and final reading this 21st day of February, 2019.

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

ORDINANCE # 2019-2

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 \$3,035,111 THEREFOR AND AUTHORIZING THE

ISSUANCE OF \$3,035,111 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 several 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 several improvements or purposes described in Section 3, there is 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 \$3,035,111. 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 \$3,035,111 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 & Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of Management Information System equipment, including, but not limited to, a phone	\$5,100	\$5,100	

system and further including all related costs and expenditures incidental thereto.			5 years
b) The acquisition of office equipment, including, but not limited to, a copier and further including all related costs and expenditures incidental thereto.	\$3,060	\$3,060	5 years
c) The acquisition of vehicles, including, but not limited to, a pick-up truck and plow and further including all related costs and expenditures incidental thereto.	\$40,800	\$40,800	5 years
d) Various improvements, including, but not limited to, the replacement of the roof at the Harbor Road Administration Building, the removal and replacement of meters, upgrades to the water facilities, including, but not limited to, hydrants, valves and pipes, superstructure, fencing and site improvements to	\$726,240	\$726,240	15 years

<p>Well #1 and Well #2 and the Solar Power Purchase Project (ESIP) in connection with the preliminary costs associated with the solar field construction and further including all work and materials necessary therefor and incidental thereto.</p>			
<p>e) Emergency water main repairs, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$510,000</p>	<p>\$510,000</p>	<p>20 years</p>
<p>f) Various improvements, including, but not limited to, the removal and installation of storage tanks at Tennent Road Pump Station, the construction of the force main and pump station at the Harbor Road Water Treatment Plant, engineering and other related expenses associated with the redrilling of Well #2, the installation of a water main at Marlboro Hospital</p>			

Main Loop/Conover to Igoe, line replacement at Lloyd Road and Route 34, miscellaneous valve replacements, and the replacement of the water main at Brookside Circle and further including all work and materials necessary therefor and incidental thereto.	<u>\$1,749,811</u>	<u>\$1,749,811</u>	40 years
Total:	<u>\$3,035,011</u>	<u>\$3,035,011</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 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 30.09 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 \$3,035,111, 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 \$365,760 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 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 #2019-89/Ordinance #2019-3

(Bond Ordinance - Recreation and Swim Capital Improvements) was introduced by reference, offered by Council Vice President Mazzola and seconded by Councilman Scalea. Council President Metzger opened the Public Hearing on Ordinance #2019-3. 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: Marder).

RESOLUTION # 2019-89

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

ORDINANCE # 2019-3

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 \$143,702 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$143,702 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

which was introduced on February 7, 2019, public hearing held on February 21, 2019, be adopted on second and final reading this 21st day of February, 2019.

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

ORDINANCE # 2019-3

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 \$143,702 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$143,702 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 \$143,702. 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 \$143,702 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, court surface improvements at the Aquatic Center Swim Club, allowance for pool facility repairs at the Marlboro Swim Club and the Aquatic Center Swim Club, Funbrella replacements and awning replacements at the Marlboro Swim Club and roof replacement on three buildings 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 \$143,702, 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 \$2,817 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 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 Resolution #2019-90/Ordinance #2019-4 (Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Mazzola. Council President Metzger opened the Public Hearing on Ordinance #2019-4. 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: Marder).

RESOLUTION # 2019-90

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

ORDINANCE # 2019-4

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 7, 2019, public hearing held on February 21, 2019, be adopted on second and final reading this 21st day of February, 2019.

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

ORDINANCE # 2019-4

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 #2019-91/Ordinance #2019-5 (Authorizing Transfer of a Portion of Block 306, Lot 1 and Vacating Public Right of Way) was introduced by reference, offered by Council Vice President Mazzola and seconded by Councilman Scalea. Council President Metzger opened the Public Hearing on Ordinance #2019-5. 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: Marder).

RESOLUTION # 2019-91

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

ORDINANCE # 2019-5

AN ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF BLOCK 306, LOT 1 TO COMPLETE A MINOR SUBDIVISION APPROVED BY THE PLANNING BOARD AND VACATING THE PUBLIC RIGHT IN THE SAME

which was introduced on February 7, 2019, public hearing held on February 21, 2019, be adopted on second and final reading this 21st day of February, 2019.

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

ORDINANCE # 2019-5

AN ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF BLOCK 306, LOT 1 TO COMPLETE A MINOR SUBDIVISION APPROVED BY THE PLANNING BOARD AND VACATING THE PUBLIC RIGHT IN THE SAME

WHEREAS, in 1988 the Planning Board granted a minor subdivision to permit the reduction in size of Block 306, Lot 1 (previously designated as Block 63.02. Lot 25.01), a parcel of land that had been dedicated to the Township by filed map, by the transfer of 1,666 sq. feet, to the adjoining property owner as depicted on a map filed with the Monmouth County Clerk; and,

WHEREAS, the Township Engineer has determined that the 1,666 sq. foot portion of the Township Property is not needed for any public use; and,

WHEREAS, at the time of the Planning Board approval the property owner inadvertently failed to obtain a deed from the Township for the transfer needed to effectuate the sub division approval; and,

WHEREAS, this transfer is necessary to allow for the property owner to sell their property with clear title.

NOW, THEREFORE, BE IT ORDAINED, by Township Council of the Township of Marlboro that, in accordance with the terms of the Local Lands and Buildings Law, N.J.S.A. 40A:12- 1 et. seq., the transfer of a 1,666 sq. ft. portion of Block 306, Lot 1 to the owner of Block 306, Lot 2 is hereby authorized in order to perfect the minor subdivision of the Township parcel granted by the Township Planning Board, and to conform same to the map filed in the Office of the Monmouth County Clerk; and,

BE IT FURTHER ORDAINED, that the public right or use in the property to be transferred is hereby vacated; and,

BE IT FURTHER ORDAINED that the Mayor and Township Clerk are authorized to execute the appropriate documents to complete the transfer of lands authorized by this ordinance, the form of said documents to be approved by the Township Attorney.

BE IT FURTHER ORDAINED, that this ordinance shall take effect in a time and manner prescribed by law.

The following Resolution #2019-92 (Providing for Ordinance # 2019-5 To Be Effective Immediately upon Adoption by the Township Council and Approval by the Mayor) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilman Scalea and was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2019-92

A RESOLUTION PROVIDING FOR ORDINANCE 2019-5 TO BE EFFECTIVE IMMEDIATELY UPON ADOPTION BY THE TOWNSHIP COUNCIL AND APPROVAL BY THE MAYOR

WHEREAS, On February 21, 2019 the Township Council adopted Ordinance 2019-5, "An Ordinance Authorizing Transfer of a Portion of Block 306, Lot 1 To Complete a Minor Subdivision Approved By The Planning Board and Vacating The Public Right In the Same"; and,

WHEREAS, the Township Council has deemed that because of the timing of the transfer of an adjoining property it is proper and necessary to declare an emergency and direct that Ordinance 2019-5 become effective upon adoption and approval by the Mayor.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Ordinance 2019-5 shall take effect immediately upon adoption and approval by the Mayor.

The following Resolution #2019-93 (Ethics Board Re-appointment - Igleen K. Viridi) was introduced by reference, offered by Councilman Scalea, seconded by Council President Metzger and was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2019-93

A RESOLUTION CONSENTING TO THE MAYOR'S RE-APPOINTMENT OF
IQLEEN K. VIRDI TO THE MARLBORO TOWNSHIP
ETHICAL STANDARDS BOARD FOR A TERM OF FIVE (5) YEARS

WHEREAS, Section 14-7 of the Code of the Township of
Marlboro establishes the Marlboro Township Ethical Standards
Board; and

WHEREAS, said Board shall consist of six (6) members who
shall be appointed by the Mayor with the advice and consent of
the Township Council; and

WHEREAS, the members of the Marlboro Township Ethical
Standards Board shall be chosen by virtue of their known and
consistent reputation for integrity and their knowledge of local
government affairs; and

WHEREAS, by Resolution #2016-204, Iqleen K. Virdi was
appointed to the Marlboro Township Ethical Standards Board to
fill the unexpired term of Rabbi Donald Weber, expiring March
31, 2019; and

WHEREAS, Iqleen K. Virdi's term will expire March 31, 2019;
and

WHEREAS, the Mayor desires to re-appoint to the Marlboro
Township Ethical Standards Board for a five (5) year term; and

WHEREAS, the Township Council desires to consent to the
Mayor's re-appointment of Iqleen K. Virdi to the Marlboro
Township Ethical Standards Board for a five (5) year term,
expiring March 31, 2024.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the
Township Council of the Township of Marlboro consents to the re-
appointment of Iqleen K. Virdi to the Marlboro Township Ethical
Standards Board for a five (5) year term; and

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

- a. Iqleen K. Virdi
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator

The following Resolution #2019-94 (Zoning Board Appointment -
Martin Powers) was introduced by reference, offered by Council

Vice President Mazzola, seconded by Councilman Scalea and was passed on a roll call vote of 3 - 0 in favor, with Councilman Cantor abstaining (Absent: Marder).

Councilman Cantor recused himself and left the Council meeting.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Scalea seconded by Council Vice President Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Marder): Res. #2019-95 (Authorizing Support for Agricultural Easement Acquisition B. 156, L. 4), Res. #2019-97 (Authorizing 2018 LOSAP Contribution - Morganville First Aid Squad), Res. #2019-98 (Authorizing Award of Bid - Disposal of Asphalt Millings), Res. #2019-99 (Amending Shared Services Agreement with Marlboro BOE- Architectural Services), Res. #2019-100 (Authorizing Agreement with NJ Recreation & Parks Association (NJRPA) - Community Services Summer Discount Program), Res. #2019-101 (Authorizing One Year Renewal - Emergency Water Main Repairs), Res. #2019-102 (Authorizing One Year Renewal - Water Meters), Res. #2019-103 (Authorizing Environmental Consulting/Surveying Services Tennent Road Water Plant - B.180, Lots 8&9), Res. #2019-104 (Authorizing Change Order to Supply of Chemicals Contract - Klenzoid, Inc), Res. #2019-105 (Authorizing Application to Arbor Day Foundation for Recertification of Marlboro Township's Tree City USA Status) #2019-106 (Redemption Tax Sale Certificates - Various).

RESOLUTION # 2019-95

RESOLUTION OF THE TOWNSHIP OF MARLBORO ENDORSING THE ACQUISITION OF A DEVELOPMENT EASEMENT BY THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD - BLOCK 156 LOT 4 IN MARLBORO TOWNSHIP AND BLOCK 15 LOT 2 IN HOLMDEL TOWNSHIP

WHEREAS, the Monmouth County Agriculture Development Board is considering the purchase of a development easement on a property located in the townships of Holmdel and Marlboro, more specifically identified as:

H.M.F. Associates: Block 15 Lot 2 in Holmdel Township and Block 156 Lot 4 in Marlboro Township, comprising approximately 62 acres (61 of which are in Holmdel Township), with one 1-acre non-severable exception and no agriculture labor housing units or residences on the net easement area

; and

WHEREAS, N.J.A.C. 2:76-17.13 requires the local governing body to review applications for the purchase of development easements as a condition of receiving State Agriculture Development Committee grant funds; and

WHEREAS, the Township Council of the Township of Marlboro is aware of the future restrictions on property protected from development as a result of the purchase of a development easement in accordance with the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) and the Agriculture Retention and Development Act (N.J.S.A. 4C:1-11 et seq.).

NOW, THEREFORE, BE IT RESOLVED that the Township of Marlboro, County of Monmouth, State of New Jersey does hereby endorse the acquisition of a development easement on Block 15 Lot 2 in Holmdel and Block 156 Lot 4 in Marlboro Township, comprising approximately 62 acres with one non-severable exception.

BE IT FURTHER RESOLVED that two certified copies of the Resolution be sent to the Monmouth County Agriculture Development Board office and one copy each to the Marlboro Township Planning Board, Tax Assessor and Tax Collector.

RESOLUTION # 2019-97

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

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

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

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

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 1.6%, making the annual contribution \$1,317.50 per qualifying participant, and

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

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

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

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

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2018, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Morganville First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

RESOLUTION # 2019-98

A RESOLUTION AWARDED CONTRACTS TO MAZZA RECYCLING SERVICES, LTD. AND FREEHOLD CARTAGE, INC. 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, the Township of Marlboro authorized the acceptance of bids for the DISPOSAL OF TOWNSHIP TRANSPORTED ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK, and on February 13, 2019, received three (3) bids, as follows:

		Stavola Asphalt Company, Inc. 175 Drift Road Tinton Falls, NJ 07724	Mazza Recycling Services, LTD 3230 A Shafto Road Tinton Falls, NJ 07753	Freehold Cartage, Inc. 825 Highway 33 Freehold, NJ 07728
		Bid Price	Bid Price	Bid Price
1	Asphalt Millings or Pieces	\$30.00	\$20.00	\$25.00
2	Price for 2,000 Tons Asphalt Millings or Pieces	\$60,000.00	\$40,000.00	\$50,000.00
3	Clean Concrete	\$10.50	\$9.00	\$7.50
4	Price for 30 Tons Clean Concrete	\$315.00	\$270.00	\$225.00
5	Concrete with Encased Metal	\$30.00	\$14.00	\$9.50
6	Price for 15 Tons Concrete with Encased Metal	\$450.00	\$210.00	\$142.50

; and

WHEREAS, the bid submission of the apparent low bidder for the asphalt millings or pieces, Mazza Recycling Services, LTD. has been determined to be responsive as detailed in a February 13, 2019 memo transmitted by the Director of Public Works; and

WHEREAS, the bid submission of the apparent low bidder for the clean concrete and concrete encased in metal, Freehold Cartage, Inc. has been determined to be responsive as detailed in a February 13, 2019 memo transmitted by the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended the award of contract to Mazza Recycling Services, LTD. for the disposal of asphalt millings or pieces at the bid price of \$20.00 per ton; and

WHEREAS, the Director of Public Works has recommended the award of contract to Freehold Cartage, Inc. for the disposal of clean concrete at the bid price of \$7.50 per ton and concrete encased in metal at the bid price of \$9.50 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 a contract be awarded to Mazza Recycling Services, LTD. whose address is 3230 Shafto Road, Tinton Falls, NJ 07753 for the disposal of asphalt millings or pieces at the bid price of \$20.00 per ton for the period of April 1, 2019 through March 31, 2020, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that a contract be awarded to Freehold Cartage, Inc. whose address is 825 Highway 33, Freehold, NJ 07728 for the disposal of clean concrete at the bid price of \$7.50 per ton and concrete encased in metal at the bid price of \$9.50 per ton for the period of April 1, 2019 through March 31, 2020, with an option to renew the contract based upon the same terms and conditions as

specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Mazza Recycling Services, LTD. and Freehold Cartage, 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 Account #04-215-18-01C-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. Mazza Recycling Services, LTD.
- b. Freehold Cartage, Inc.
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Director of Public Works

RESOLUTION # 2019-99

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AMENDING A SHARED SERVICES AGREEMENT WITH THE
MARLBORO BOARD OF EDUCATION TO PROVIDE ARCHITECTURAL
SERVICES FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF PUBLIC WORKS

WHEREAS, on May 7, 2015, the Township of Marlboro ("Township") authorized a shared services agreement with the Marlboro Board of Education ("BOE") for architectural services in support of public works projects (R. 2015-198); and

WHEREAS, on February 11, 2016, the Township of Marlboro ("Township") authorized the extension of the shared services agreement with the Marlboro Board of Education ("BOE") for architectural services (R. 2016-081); and

WHEREAS, the Township requires additional architectural services for Building Improvements to Public Properties including project 122-107.1 for the replacement of the Recreation Center roof authorized under the 2018 capital plan; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Marlboro Board of Education ("BOE") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the BOE has awarded a contract pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11) for architectural services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Township Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement, the terms of which are annexed hereto as EXHIBIT A.
4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2019-100

WHEREAS, the New Jersey Recreation & Parks Association (NJRPA) is a not-for-profit Professional organization which provides a variety of services to recreation organizations throughout the State of New Jersey; and

WHEREAS, the Township of Marlboro Department of Recreation is a member of the NJRPA; and

WHEREAS, the Department of Recreation utilizes the services of the NJRPA for its Camp and Teen Programs, and for professional recreation training; and

WHEREAS, the NJRPA sponsors a "Community Service Summer Discount Program" which enables the Department of Recreation to purchase tickets for a variety of events at a substantial discount; and

WHEREAS, the total value of the services to be provided for 2019 are estimated at and shall not exceed \$88,325.00 in the aggregate; and

WHEREAS, funds will be certified at the time participation counts are available and tickets are ordered from Accounts #09-201-55-400-212445, #09-201-55-400-212480, and #09-201-55-400-212485.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to execute an agreement with the NJRPA, 1 Wheeler Way, Princeton, New Jersey 08550 for the services described above.

RESOLUTION # 2019-101

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on March 1, 2018 (R.2018-128) the Township Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

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

of the Township; and

WHEREAS, in a memo dated February 13, 2019, 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 renewed with LUCAS CONSTRUCTION GROUP, INC. whose address is P.O. Box 8939, Red Bank, New Jersey 07701 for a period of one year commencing on April 1, 2019 and expiring on March 31, 2020, in a total amount not to exceed \$105,606.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with LUCAS CONSTRUCTION GROUP, 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 in the Water Capital Account for the services at the time services are rendered upon the adoption of the 2019 Capital Budget.

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

- a. LUCAS CONSTRUCTION GROUP, INC.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2019-102

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO CORE AND MAIN LP
FOR THE PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, on March 1, 2018 (R.2018-125) the Township Council of the Township of Marlboro awarded a contract to CORE AND MAIN LP for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

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

of the Township; and

WHEREAS, in a memo dated February 13, 2019, 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 renewed with CORE AND MAIN LP whose address is 61 Gross Avenue, Edison, NJ 08817, for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION, for a period of one year commencing on April 1, 2019 and expiring on March 31, 2020, and for the total contract amount not to exceed \$386,912.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with HD SUPPLY WATERWORKS LTD 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 \$96,728.00 are available and have been certified by the Chief Financial Officer in capital accounts 06-215-17-03B-500297 and 06-215-18-02A-500297, and the remaining amount of funds will be certified at the time the materials are needed upon the adoption of the 2019 capital budget.

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

- a. CORE AND MAIN LP
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2019-103

A RESOLUTION AUTHORIZING AN AMENDMENT TO A
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL SURVEY
AND ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION
WITH THE TOWNSHIP'S ENERGY SAVINGS PLAN (ESP)

WHEREAS, municipally-owned structures represent a substantial and critical component of the Township's fixed asset inventory; and

WHEREAS, improvements to municipal facilities are necessary in order to maintain them in safe working condition for use by the workforce and the public; and

WHEREAS, the Township's six (6) year capital program currently calls for various heating, ventilation, air conditioning, lighting, plumbing and building envelope improvements; and

WHEREAS, in the effort to identify alternate sources of funding for capital expenditures, the Township has recommended the use of a program established by the State of New Jersey under the Energy Savings Improvement Program Law ("ESIP Law"), P.L. 2009, c. 4, N.J.S.A. 40A:11-4.6 for energy saving facility improvements; and

WHEREAS, the Law established a mechanism for municipalities to package, finance and undertake facility improvements in a comprehensive and budget neutral fashion, with no impact on outstanding debt levels; and

WHEREAS, the mechanism for completing these improvements under an ESIP is the retention of an Energy Savings Company ("ESCO"), an entity responsible for an Energy Savings Plan ("ESP"), designing, bidding and managing the improvements, and insuring the results; and

WHEREAS, on June 22, 2016 (R.2016-216), pursuant to the ESIP Law, the Township Council authorized the use of the competitive contracting process to select an ESCO to develop and implement an Energy Savings Plan; and

WHEREAS, on June 25, 2016, Marlboro Township advertised and solicited proposals from the ESCOs pre-qualified by the State of New Jersey, and on September 8, 2016, received proposals from three (3) pre-qualified firms; and

WHEREAS, the Township Evaluation Committee, consisting of representatives from Administration, Public Works, Engineering and the Township's Measurement & Verification Consultant (Remington & Vernick Engineers) reviewed the proposals and conducted in-person interviews with each of the three (3) proposers between October 11 and October 19, 2016; and

WHEREAS, in a memo dated January 27, 2017, the Evaluation Committee recommended the award of contract to DCO Energy, LLC; and

WHEREAS, on March 2, 2017 (R.2017-102), the Township Council authorized a contract be executed with DCO Energy, LLC to serve as

the ESCO, and the Township subsequently entered into a contract with DCO; and

WHEREAS, DCO produced an ESP dated October 23, 2018 which included as a major component the construction of an additional solar energy field at the location of the Tennent Road Water Plant, specifically Block 180, Lots 8 and 9; and

WHEREAS, the Township is in need of PROFESSIONAL SURVEY AND ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE TOWNSHIP'S ENERGY SAVINGS PLAN (ESP) in order to proceed with a solar energy project at that site, and the other improvements recommended under the ESP; and

WHEREAS, CME Associates has provided a proposal dated October 10, 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 by way of its Township Engineers at a fee not to exceed \$23,325.00 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 \$23,325.00 are available in Capital Account 04-215-18-01C-060288 for this purpose; and

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 PROFESSIONAL SURVEY AND ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE TOWNSHIP'S ENERGY SAVINGS PLAN (ESP) by way of its Township Engineers, at a fee not to exceed \$23,325.00 for such Professional Services, as further described and set forth in CME's Proposal dated October 10, 2018, 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 \$23,325.00 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 # 2019-104

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH
KLENZOID INC. FOR THE SUPPLY OF CHEMICALS FOR THE
TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on February 15, 2018 (R.2018-108), the Township of Marlboro authorized a contract with KLENZOID INC., the lowest

responsible bidder, for Bid 2018-01, the SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION, in the amount of \$18,645.00; and

WHEREAS, on November 29, 2018 (R.2018-341), the Township of Marlboro authorized a an amendment to the contract with KLENZOID INC., in the amount of \$2,000.00 or approximately 11%; and

WHEREAS, an additional change order is required, resulting in an increase in the contract amount by \$1,650.00 or approximately 9% due to the additional supply of Zinc Orthophosphate required as a result of the additional materials required for the start-up and calibration of the new hardware and higher than estimated usage of the new Harbor Road Water Treatment Plant; and

WHEREAS, the additional authorization is necessary in order to maintain the proper operation of the water treatment facilities, being in the interest of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract with KLENZOID INC. whose address is 912 Spring Mill Ave., Conshohocken, PA 19428, be authorized in a total amount not to exceed \$1,650.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$1,650.00 are available for the aforesaid change order in Account #05-201-55-500-293020.

BE IT FURTHER RESOLVED that the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with KLENZOID INC. to provide the required chemicals for the water treatment plant.

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

- a. KLENZOID INC.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2019-105

RESOLUTION AUTHORIZING AN APPLICATION TO THE
ARBOR DAY FOUNDATION FOR RECERTIFICATION
OF MARLBORO TOWNSHIP'S TREE CITY USA STATUS

WHEREAS, in 2010 Marlboro Township was certified as a Tree City by the Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters; and

WHEREAS, the Township of Marlboro Shade Tree Committee desires to apply for recertification of Marlboro Township's Tree City USA title.

BE IT THEREFORE RESOLVED that the Township Council of the Township of Marlboro does hereby authorize the Shade Tree Committee and Business Administrator to apply for the recertification.

RESOLUTION #2019-106

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$102,145.30 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 \$102,145.30 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>
2018-009	269/24	US Bank Cust Tower DB VIII 50 South 16 th Street, Ste 2050 Philadelphia, PA 19102 Assessed Owner: Kushner, Judith L.	30,832.53
2015-006	116/19	NR DEED, LLC 4355 Cobb Parkway, J-505 Atlanta, GA 30339 Assessed Owner: NR Deed LLC	66,952.53

2018-004 193.02/54.19 Cazenovia Creek Funding II, LLC 4,360.24
PO Box 54132
New Orleans, LA 70154
Assessed Owner:
Nimirovsky, Mark & Inga

At 7:30 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, Marder).

MINUTES APPROVED: MARCH 7, 2019

OFFERED BY: MAZZOLA AYES: 4

SECONDED BY: SCALEA NAYS: 0

ABSTAIN: MARDER

ALIDA MANCO,
MUNICIPAL CLERK

SCOTT METZGER,
COUNCIL PRESIDENT