

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 11, 2019

The Marlboro Township Council held its regularly scheduled meeting on July 11, 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, Councilwoman Marder, Council Vice President Mazzola, Councilman Scalea and Council President Metzger.

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

Councilwoman Marder moved that the minutes of June 13, 2019 be adopted. This was seconded by Council President Metzger, and passed on a roll call vote of 4 - 0 in favor (Abstain: Scalea).

Regarding Item 10 (Public Hearing on Application of Cablevision of Monmouth, LLC for Renewal of Municipal Consent) - Council President Metzger announced that two publications were required for this hearing, published on May 25 and July 4, and that this hearing is being held for the purpose of evaluating the application of Cablevision of Monmouth, LLC for the renewal of its municipal consent to own, operate, extend and maintain a cable television and cable communication system in the Township of Marlboro. He opened the Public Hearing for comment by the public. As there was no one who wished to speak, the Public Hearing was closed.

The following Resolution #2019-214/Ordinance #2019-9 (Refunding All or Portion of General Obligation Refunding Bonds, Series 2010A) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman Scalea. Council President Metzger opened the public hearing on Ordinance #2019-9. As there was no one who wished to speak, the public hearing was closed. The resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2019-214

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

ORDINANCE # 2019-9

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010A, OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$6,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,000,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

which was introduced on June 13, 2019, public hearing held on July 11, 2019, be adopted on second and final reading this 11th day of July, 2019.

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

ORDINANCE # 2019-9

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010A, OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$6,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,000,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING 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 Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") is hereby authorized to refund all or a portion of the outstanding General Obligation Refunding Bonds, Series 2010A, of the Township, dated January 28, 2010, issued in the original principal amount of \$11,630,000 (the "2010 Bonds"). The 2010 Bonds maturing on or after December 1, 2020 (the "Refunded Bonds") may be redeemed at the option of the Township in whole or in part on any date on or after December 1, 2019 (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$6,000,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$120,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. 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 \$6,000,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$5,875,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Township.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 7. The Mayor, the Chief Financial Officer, the Township Clerk and other appropriate representatives of the Township are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the Township to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the Refunded Bonds referred to in Section 1 hereof.

Section 8. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, which consent will be so endorsed in accordance with N.J.A.C. 5:30-2.5.

The following Resolution #2019-215/Ordinance #2010-10 (Appropriating a \$420,236 Grant for Pleasant Valley Streambank Project) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2019-215

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

ORDINANCE # 2019-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$420,236 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR THE STREAMBANK
STABILIZATION AT PLEASANT VALLEY ROAD IN AND
FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY
OF MONMOUTH, NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 15, 2019 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2019-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$420,236 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR THE STREAMBANK
STABILIZATION AT PLEASANT VALLEY ROAD IN AND
FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY
OF MONMOUTH, NEW JERSEY

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

Section 1. The \$420,236 grant expected to be received by the Township from the Federal Emergency Management Agency (FEMA) is hereby appropriated for the purpose of providing funds for the Streambank Stabilization at Pleasant Valley Road, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

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

Councilman Cantor asked that Res. #2019-218 be removed from the consent agenda and voted on separately. He recused himself and left the room.

The following Res. #2019-218 (Authorizing 2018 LOSAP Contribution - Marlboro First Aid Squad) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-218

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 Marlboro 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 Marlboro First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2019-216 (Re-appointing Gail Gnesin - Library Board), Res. #2019-217 (Amending Budget Chapter 159 - ANJEC Grant), Res. #2019-219 (Authorizing Extension of Farmland Use & Occupancy Agreement - Stattel Farm (stand) -Block 206, Lot 25), Res. #2019-220 (Authorizing Memorandum of Understanding with NJ Dept of Treasury Division of Property Management Concerning Decommissioning of Marlboro State Hospital and Installation of Water Main on Conover Rd), Res. #2019-221 (Amending Professional Services Agreement for Conflict/Alternate Prosecutor), Res. #2019-222 (Authorizing Application 2019 Ballistic Vest Partnership (BVP), Res. #2019-223 (Authorizing Transfer and Acceptance of Surplus Military Equipment from US Department of Defense (DOD) 1033 Program), Res. #2019-224 (Authorizing State Contract Purchase and Replacement of Body Worn Cameras and Vehicle Triggers (19-106-17 & 17.1), Res. #2019-225 (Amending Engineering Services Agreement in Connection with Water Quality Accountability Act Compliance (18-500-37), Res #2019-226 (Award of Bid - Gate Valve Preventative Maintenance Program), Res. #2019-227 (Confirming Sale and Purchase of Energy Year 2019 Solar Renewable Energy Credits), Res. #2019-228 (Approving Close Out Change Order and Authorizing Final Payment and Acceptance of 2017 Drainage Improvement Program), Res. #2019-229 (Amending Professional Environmental Engineering and Consulting Services in Connection with Marlboro v. Yost, et al. (56 Harbor Road, Block 171 Lot 51), Res #2019-230 (Bond Release Northpointe /Regent Park/Ohad Assoc - B 143, Lots 1.02 and 12 - Lloyd Road and Thornton Ave), Res. #2019-231 (Bond Reduction Phase I and II Site Improvements - Camelot West - B 150, Lots 2 - 4 - Tennent Rd and Rt. 79), Res. #2019-232 (Authorizing Application 2020 NJDOT Municipal Aid Program), Res. #2019-233 (Authorizing 2019 Electronic Tax Sale Agreement), Res. #2019-234 (Resolution Determining Form and Other Details - Refunding Bonds), Res. #2019-235 Redemption Tax Sale Certs - Various), Res. #2019-236 (Cancelling YEP B 154, L 17Q), Res 2019-237 (Authorizing Settlement and Release of Claims ATC, ICP and AEGIS - Marlboro Country Park).

RESOLUTION # 2019-216

RESOLUTION REAPPOINTING GAIL GNESIN
AS A MEMBER OF THE BOARD OF TRUSTEES
OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to reappoint GAIL GNESIN to the Board of Trustees of the Marlboro Free Public Library, for a five year term, such term to expire August 10, 2024.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the reappointment of GAIL GNESIN.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the reappointment of GAIL GNESIN as a member of the Board of Trustees of the Marlboro Free Public Library without compensation for a term expiring on August 10, 2024 is hereby confirmed.

BE AND IT IS FURTHER RESOLVED, that this appointment is made pursuant to NJSA 40:54-9 et. seq. and Section 4-93 of the Marlboro Code.

RESOLUTION # 2019-217

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$1,500.00, which has been

awarded to the municipality for the "2019 ANJEC Open Space Stewardship" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$1,500.00 be hereby appropriated under the caption "2019 ANJEC Open Space Stewardship" Grant.

RESOLUTION # 2019-219

A RESOLUTION AUTHORIZING THE EXTENSION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT FOR THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "STATTEL FARM (STAND)" (BLOCK 206/LOT 25) LOCATED AT COUNTY ROUTE 520 and STATE HIGHWAY 79

WHEREAS, the Township of Marlboro acquired the Stattel Farm(stand) (Block 206/Lot 25) ("parcel") located at County Route 520 and State Highway 79 in February, 2017 from the Stattel Family; and

WHEREAS, the Stattel Family farmed the parcel continuously up until the time of sale, and harvested the season's crops under a Use & Occupancy Agreement with the Township which expired on June 30, 2017; and

WHEREAS, October 5, 2017 (R.2017-287) the Township Council of the Township of Marlboro authorized a Use and Occupancy agreement with the Stattel Family for the continued farming of the parcel which expires on July 31, 2018; and

WHEREAS, June 12, 2018 (R.2018-228) the Township Council of the Township of Marlboro authorized a renewal of the Use and Occupancy agreement with the Stattel Family for the continued farming of the parcel which expires on July 31, 2019; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14.1, "Whenever a county or municipality acquires real property that, immediately prior to acquisition, was leased from the prior owner by a private person for agricultural or horticultural use, and the county or municipality determines that, until such time as the real property is needed for public use, the temporary continuance of the private agricultural or horticultural use would not compromise that public use, it may lease the real property to the prior lessee for agricultural or horticultural use for such period, consideration, and other terms and conditions as shall be mutually agreed upon; and

WHEREAS, the Township is in the process of working with both the State Agricultural Development Committee and New Jersey Green Acres on the permanent preservation of the parcel; and

WHEREAS, it is in the interest of the Township for crops to be planted during the fall season and to have the parcel continuously farmed during the preservation process; and

WHEREAS, the Township and Stattel Family have agreed to renew the Use and Occupancy agreement under the same terms for the farming of the parcel in the 2019-20 season.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an agreement be executed with Stattel Family, PO BOX 122, Marlboro, NJ 07746 for the TEMPORARY USE AND OCCUPANCY OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "STATTEL FARM(STAND)" (BLOCK 206/LOT 25) LOCATED AT COUNTY ROUTE 520 AND STATE HIGHWAY 79, for a term beginning August 1, 2019 and ending on July 31, 2020, in the amount of \$700.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, an agreement with the Stattel Family, in accordance with this resolution, 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. Stattel Family
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2019-220

AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY
DEPARTMENT OF TREASURY, DIVISION OF PROPERTY MANAGEMENT
CONCERNING THE DECOMMISSIONING OF THE MARLBORO STATE HOSPITAL
AND THE INSTALLATION OF WATER MAIN ON CONOVER ROAD

WHEREAS, the State of New Jersey is in the final stages of decommissioning the former Marlboro State Hospital which requires the installation of sewer and water mains ("project"); and

WHEREAS, following the conclusion of the project, the State will be leasing and ultimately deeding the property over to Monmouth County as open space; and

WHEREAS, the State is in the process of applying for permits to install sewer main along Conover Road; and

WHEREAS, in a letter dated June 28, 2019 and clarification issued on July 2, 2019, the State has requested to install water main simultaneously prior to the issuance of the necessary NJDEP BSDW permits and final water approval in order to minimize cost and disruption to residents and infrastructure; and

WHEREAS, the Township has agreed to allow the simultaneous installation of water main to take place, subject to certain conditions which are specified in a draft Memorandum of Understanding ("Exhibit A"); and

WHEREAS, the Township has worked hard over many years to ensure that the property be preserved and made accessible for residents to enjoy and wishes to facilitate the completion of the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a Memorandum of Understanding with the State of New Jersey in a form substantially similar to that included in Exhibit A, in accordance with this resolution, and in a form to be approved by the Township Attorney.

RESOLUTION # 2019-221

A RESOLUTION AUTHORIZING AN AMENDMENT TO A
PROFESSIONAL SERVICES CONTRACT BETWEEN CLEARY,
GIACOBBE, ALFIERI, JACOBS, LLC AND THE TOWNSHIP OF
MARLBORO FOR CONFLICT/ALTERNATE PROSECUTOR SERVICES

WHEREAS, the Township requires the services of a Conflict/Alternate Prosecutor, such services to be awarded pursuant to pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5 ("Professional Services"); and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such legal services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township of Marlboro and CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC have entered into a Professional Services Contract for Special Tax Counsel services, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services by way of its Special Tax Counsel at a fee not to exceed \$5,000.00 for such Professional Services, in accordance with the terms of their proposal dated September 21, 2018; and

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

WHEREAS, funds required under this authorization, if needed, will be certified by the Chief Financial Officer at the time they are required; 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; 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.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC and the Township of Marlboro, to expand the scope of services to include Professional Services by way of its Special Tax Counsel, at a fee not to exceed \$5,000.00 for such Professional Services, in accordance with the terms of their proposal dated September 21, 2018, be and is hereby authorized.

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, an amendment to the Professional Services Contract described herein.

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 \$5,000.00 for such additional Professional Services.

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.

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. Cleary, Giacobbe, Alfieri, Jacobs, LLC
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Law
- e. Court Administrator
- f. Municipal Prosecutor

RESOLUTION # 2019-222

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR THE OFFICE OF JUSTICE PROGRAMS BULLETPROOF VEST PARTNERSHIP GRANT ACT, U.S. DEPARTMENT OF JUSTICE (BVP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2019 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and

WHEREAS, \$19,869.25 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests due for officers during years August 2019 to August 2020; and

WHEREAS, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2019 Bulletproof Vest Partnership.

RESOLUTION # 2019-223

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

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

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

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

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

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

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

RESOLUTION # 2019-224

AUTHORIZING STATE CONTRACT PURCHASE AND REPLACEMENT OF BODY WORN CAMERAS AND VEHICLE TRIGGERS FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2019 Capital Program (106-17 & 106-17.1) authorized the purchase of

replacement of Body Worn Cameras and Vehicle Triggers for the Division of Police; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Division of Police has recommended that the Township purchase twenty-five (25) out of a total of ninety-five (95) body worn cameras and vehicle triggers from SF Mobile-Vision, Inc. 400 Commons Way, Suite F, Rockaway, New Jersey 07866 under State Contract #17FLEET00731 in an amount not to exceed \$18,550.00; and

WHEREAS, the Division of Police has recommended that the Township purchase the remaining seventy (70) body worn cameras based upon quotes from SF Mobile-Vision, Inc., at pricing which incorporates the trade in of the existing body cameras in an amount not to exceed \$20,930.00; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Division to obtain the body worn cameras from SF Mobile-Vision, Inc.; and

WHEREAS, funds are available in Trust Account #23-228-55-057 for an amount not to exceed \$39,480.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said body worn cameras.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the body worn cameras from SF Mobile-Vision, Inc. 400 Commons Way, Suite F, Rockaway, New Jersey 07866 in an amount not to exceed \$39,480.00; and

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

- a. SF Mobile-Vision, Inc.
- b. Business Administrator
- c. Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2019-225

A RESOLUTION AUTHORIZING AN AMENDMENT TO A
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR ADDITIONAL
PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH
WATER QUALITY ACCOUNTABILITY ACT COMPLIANCE FOR THE
MARLBORO WATER UTILITY DIVISION

WHEREAS, the Water Quality Accountability Act (P.L. 2017, c. 133) was enacted on July 21, 2017, establishing new requirements for purveyors of public water to improve the safety, reliability, and administrative oversight of water infrastructure; and

WHEREAS, the Township of Marlboro authorized that the necessary steps be taken in order to ensure compliance with the Water Quality Accountability Act, a project identified as 500-37 under its 2018 water capital program; and ("Project"); and

WHEREAS, the Township Council authorized engineering services in connection with the Project (R. 2018-180); and

WHEREAS, the Township is in need of additional professional engineering services including Geographic Information System (GIS) mapping support in connection with Water Quality Accountability Act compliance as detailed in a proposal from CME dated June 7, 2019 and memo from the Township Water Utility Project Engineer dated June 14, 2019 in connection with the Project ("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 \$10,000.00 for such additional Professional Services, as detailed in a proposal from CME dated June 7, 2019 and memo from the Project Engineer dated June 14, 2019, 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 \$10,000.00 are available in Capital Account 06-215-11-03A-500288 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; 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.

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 the additional Professional Services as described hereinabove by way of its Township Engineers, at a fee not to exceed \$10,000.00 for such Professional Services, detailed in a proposal from CME dated June 7, 2019 and memo from the Project Engineer dated June 14, 2019, be and is hereby authorized.

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, an amendment to the Professional Services Contract described herein.

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 \$10,000.00 for such additional Professional Services for the Project as described in the Proposal.

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.

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
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2019-226

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO J.F. KIELY CONSTRUCTION CO. FOR GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2019 Capital Program (500-6) authorized the GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on July 2, 2019, received one (1)bid therefor; and

WHEREAS, the one (1) bid received was as follows:

J.F. Kiely Construction Co. 1 Radar Way Tinton Falls, NJ 07724		
Item Description	Bid Price	
Windham Way, Marc Drive & Sami Court	Unit Price	Total
A. 9 EA. - 6" Gate Valve	\$3,435.00	\$30,915.00
B. 6 EA. - 8" Gate Valve	\$3,500.00	\$21,000.00
C. 3 EA. - 10" Gate Valve	\$3,600.00	\$10,800.00
D. Excavations Greater Than 6Ft	1 Allowance	\$10,000.00
E. Traffic Director, Municipal Police Allowance	1 Allowance	\$3,000.00
	Total	\$75,715.00
Item Description	Bid Price	
Alternate Project A	Unit Price	Total
A. 5 EA. - 6" Gate Valve	\$3,435.00	\$17,175.00
B. 10 EA. - 8" Gate Valve	\$3,500.00	\$35,000.00
C. Excavations Greater Than 6Ft	1 Allowance	\$10,000.00
D. Traffic Director, Municipal Police Allowance	1 Allowance	\$3,000.00
	Total	\$65,175.00

Item Description	Bid Price	
	Unit Price	Total
Alternate Project B		
A. 4 EA. - 6" Gate Valve	\$3,435.00	\$13,740.00
B. 5 EA. - 8" Gate Valve	\$3,500.00	\$17,500.00
C. Excavations Greater Than 6Ft	1 Allowance	\$10,000.00
D. Traffic Director, Municipal Police Allowance	1 Allowance	\$3,000.00
	Total	\$44,240.00

; and

WHEREAS, in a memo dated July 8, 2019, the Director of Public Works has reported that J.F. KIELY CONSTRUCTION CO., the sole bidder, is responsive and has recommended that a contract for the base bid, items A through E, for an amount not to exceed \$75,715.00 be awarded to J.F. KIELY CONSTRUCTION CO., 1 Radar Way, Tinton Falls, NJ 07724; 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 J.F. KIELY CONSTRUCTION CO., whose address is 1 Radar Way, Tinton Falls, NJ 07724 in an amount not to exceed \$75,715.00 for the GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM.

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$75,715.00 are available for the aforesaid contract in Water Capital Accounts 06-215-19-02F-500288.

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

- a. J.F. Kieleley Construction Co.
- b. Township Business Administrator
- c. Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2019-227

RESOLUTION CONFIRMING SALE AND PURCHASE OF ENERGY
YEAR 2019 SOLAR RENEWABLE ENERGY CREDITS

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 operated by Marex Spectron; and

WHEREAS on February 5, 2018 the Township's Broker, Marex Spectron reported the high bid offer of \$227.50 per Solar Renewable Energy Credits (S-RECs) 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; and

WHEREAS, the Township accepted the high bid offer of \$227.50 per S-REC for the delivery of 900 EY 2019 S-RECs, and the Township Council confirmed the same and authorized an agreement to be executed on February 15, 2018 (R. 2018-107).

WHEREAS, the Marlboro Township Water Utility Division (MTWUD) reported that as of the end of EY 2019, May 31, 2019, only 886 SRECs were generated, 14 short of the amount to be delivered under the agreement; and

WHEREAS, in order to meet the contract requirement to deliver 900 S-RECS, MTWUD needed to purchase 14 S-RECs, and was able to complete the transaction with EDF Trading North America at the spot market price of \$235.00 per S-REC; and

WHEREAS, the Township and EDF Trading North America agreed to handle the payment for the 14 S-REC shortfall totaling \$3,290.00 as a credit against the total amount owed under the existing contract.

NOW THEREFORE BE IT RESOLVED that the Township Council hereby confirms the purchase of 14 S-RECS at the spot market price of \$235.00 per S-REC from EDF Trading North America.

BE IT FURTHER RESOLVED that the Township Council hereby confirms that following the delivery of 886 S-RECS to EDF Trading North America and a net payment by EDF Trading North

America to the MTWUD of \$201,460.00, the parties have discharged their respective obligations under the agreement.

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 # 2019-228

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND R. MOSLOWSKI EXCAVATING, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF PROVISIONS OF "2017 DRAINAGE IMPROVEMENT PROGRAM" FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution #2017-323 the Township of Marlboro authorized the award of a contract to R. Moslowski Excavating, Inc. for the drainage improvements otherwise known as the "2017 Drainage Improvement Program" for the Township Of Marlboro (the "Project"); and

WHEREAS, a Close Out Change Order has been requested resulting in a decrease in the original contract amount of \$130,345.00 to \$103,277.09, a net decrease of \$27,067.91; and

WHEREAS, in a letter dated June 24, 2019 the Township Engineer has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended approval of the Close Out, acceptance of the Project improvements, and issuance of final payment in the amount of \$22,716.10; and

WHEREAS, pursuant to the terms of the contract, R. Moslowski Excavating, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$15,491.56; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Close Out, accepting the Project improvements and issuing a final payment to R. Moslowski Excavating, Inc. in the amount of \$22,716.10 in order that the Project be completed, such Project being in the interests 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 Close Out Change Order to the existing contract with R. Moslowski

Excavating, Inc. be and is hereby approved, decreasing the original contract total of \$130,345.00 to \$103,277.09, a net decrease of \$27,067.91.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$22,716.10 for work completed by R. Moslowski Excavating, Inc. is hereby approved.

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

- a. R. Moslowski Excavating, Inc.
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. Township Attorney

RESOLUTION # 2019-229

A RESOLUTION AUTHORIZING AN AMENDMENT TO A
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL
ENVIRONMENTAL ENGINEERING AND CONSULTING SERVICES IN
CONNECTION WITH MARLBORO v. YOST, et al. (56 HARBOR
ROAD, BLOCK 171 LOT 51)

WHEREAS, the owner/operator of 56 Harbor Road, Block 171, Lot 51 has engaged in the unlawful importation of fill, culminating in the issuance of a consent order dated June 29, 2018 restraining the owner/operator from any further soil importation and requiring inspection and analysis of the property by Township officials within an expedited timeframe; and; and

WHEREAS, the Township Council previously authorized CME Associates in its capacity as Township Engineer to perform the required environmental engineering assessment and oversight services necessary pursuant to proposals dated July 26, 2018 and October 3, 2018 (R.2018-311); and

WHEREAS, the Township Council previously authorized CME Associates in its capacity as Township Engineer to perform additional environmental engineering assessment and oversight services pursuant to a proposal dated March 5, 2019 (R.2019-125); and

WHEREAS, the Township Attorney has advised that additional regulatory review and litigation support services associated with the imported fill at 56 Harbor Road ("Project") are required; and

WHEREAS, CME has provided a second supplementary proposal dated June 26, 2019 for the additional professional services 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 \$5,000.00 for such Professional Services, as further described and set forth in CME's Proposals, 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 \$5,000.00 are available in Current Account 01-201-21-071-226 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 engineering

services in connection with the unlawful importation of fill at 56 Harbor Road, by way of its Township Engineers, at a fee not to exceed \$5,000.00 for such Professional Services, as further described and set forth in CME's Proposals dated June 26, 2019, 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 \$5,000.00 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. Chief Financial Officer

RESOLUTION # 2019-230

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS NORTHPOINTE /
REGENT PARK / OHAD ASSOCIATES, BLOCK 143, LOTS 1.02 AND 12,
LOCATED AT LLOYD ROAD AND THORNTON AVENUE, TOWNSHIP OF MARLBORO,
NEW JERSEY 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Brian Plocker, Esq. for a release in the Township held Performance Guarantees in the form of a Letter of Credit for grading and clearing improvements ("Public Improvements") on the Site known as "Northpointe" (the "Site"), property known as Block 143, Lots 1.02 and 12, located on Lloyd Road and Thornton Avenue as shown on the Official Marlboro Township Tax Map sheet #8, Monmouth

County, State of New Jersey, posted by OHAD Associates (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 6, 2019, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Letter of Credit, No. 2842, in the amount of \$100,000.00, issued by Valley National Bank, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Letter of Credit, No. 2842, in the amount of \$100,000.00, issued by Valley National Bank, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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

- a. Ohad Associates
- b. Valley National Bank
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney

RESOLUTION # 2019-231

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE PHASE I and II SITE IMPROVEMENTS AT THE SITE KNOWN AS CAMELOT WEST, BLOCK 150, LOTS 2-4, LOCATED BETWEEN TENNENT ROAD & NJSH ROUTE 79, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NJ 07751

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Liza A.

Glazner, Kaplan Companies' Legal Assistant, for a reduction in the Township held Performance Guarantees in the form of a Performance Surety Bond and Letter of Credit for the Phase I and II site improvements ("Public Improvements") on the Site known as "Camelot West" (the "Site"), property known as Block 150, Lots 2-4, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Camelot West at Marlboro, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 14, 2019, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Performance Surety Bond and Letter of Credit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the Performance Surety Bond and Letter of Credit amounts in accordance with the recommendation of the Township Engineer's report dated June 14, 2019.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Performance Surety Bond and Letter of Credit posted by the Developer, Camelot West at Marlboro, LLC, for the site known as Camelot West, located on property known as Block 150, Lots 2-4, Township of Marlboro, New Jersey, shall be reduced as follows:

Phase I

1. The Performance Surety Bond (First Indemnity of America Insurance Company, Bond No. FP0023323), in the original and present amount of \$886,713.00, shall be reduced by \$619,491.24, so that the remaining amount shall be \$267,221.76.
2. The Letter of Credit (Provident Bank, LOC No. 8050002423), in the original and present amount of \$98,523.67 (excludes accrued interest), shall be reduced by \$68,832.36, so that the amount to remain shall be \$29,691.31;

Phase II

3. The Performance Surety Bond (First Indemnity of America Insurance Company, Bond No. FP0023324), in the original and present amount of \$275,538.16, shall be reduced by \$137,186.70, so that the remaining amount shall be \$138,351.46.
4. The Letter of Credit (Provident Bank, LOC No. 8050002424), in the original and present amount of \$30,615.35 (excludes accrued interest), shall be reduced by \$15,242.97, so that the amount to remain shall be \$15,372.38;

BE IT FURTHER RESOLVED, that the above Phase I and II reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Camelot West at Marlboro, LLC
- b. First Indemnity Company, Morris Plains NJ
- c. Provident Bank, Iselin NJ
- d. Sal Alfieri, Esq.
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. Township Engineer
- h. Louis N. Rainone, Esq.

RESOLUTION # 2019-232

Resolution: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE "IMPROVEMENTS TO WYNCREST ROAD" PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Improvements to Wyncrest Road-00099 to the New Jersey

Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION # 2019-233

A RESOLUTION AUTHORIZING AN AGREEMENT WITH REALAUCTION.COM LLC TO CONDUCT AN ELECTRONIC TAX SALE

WHEREAS, Marlboro Township has participated in the Electronic Municipal Tax Lien Sale Pilot Program, pursuant to N.J.S.A 54:5-19, since 2014; and

WHEREAS, N.J.A.C 5:33-1.1 was recently adopted, and created a regulatory framework for online tax sales of delinquent property taxes and municipal charges; and

WHEREAS, Tax Collector Colleen Dolan has recommended entering into an agreement with RealAuction.com LLC for an online tax sale of delinquent property taxes and municipal charges; and

WHEREAS, funds in the total amount of \$3,500.00 have been certified by the Chief Financial Officer from Current Account 01-201-20-046-288;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Jonathan Capp, Business Administrator shall and hereby is authorized to execute an agreement with RealAuction.com LLC to conduct an electronic tax sale.

RESOLUTION # 2019-234

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$6,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH BONDS

BE IT RESOLVED 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 Township of Marlboro, in the County of Monmouth, New Jersey (referred herein as the "Township") hereby authorizes the sale, in one or more series, of an amount not to exceed \$6,000,000 General Obligation Refunding Bonds (the "Bonds") by virtue of its final adoption by a two-thirds majority of its full membership on July 11, 2019 of a bond ordinance entitled, "Refunding Bond Ordinance Providing for the Refunding of All or a Portion of the Outstanding General Obligation Refunding Bonds, Series 2010A, of the Township of Marlboro, in the County of Monmouth, New Jersey, Appropriating \$6,000,000 Therefor and Authorizing the Issuance of \$6,000,000 Refunding Bonds of the Township for Financing the Cost Thereof" (the "Bond Ordinance").

Section 2. The Bonds are hereby authorized to be sold to Stifel (referred to herein as the "Underwriter") in accordance with the purchase contract to be entered into by and between the Underwriter and the Township (the "Purchase Contract") pursuant to this resolution and N.J.S.A 40A:2-53 (Local Bond Law & Municipal Qualified Bond Act). The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest, if any, from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Mayor and/or the Chief Financial Officer is hereby authorized to enter into the Purchase Contract on behalf of the Township with the Underwriter in a form satisfactory to McManimon, Scotland & Baumann, LLC, Bond Counsel for the Township ("Bond Counsel") for the sale of the Bonds to the Underwriter in accordance with the provisions of this resolution. The signature of the Mayor or Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

Section 3. The Bonds are being issued to incur interest cost savings by redeeming all or a portion of the callable outstanding General Obligation Refunding Bonds, Series 2010A, of the Township originally issued in the principal amount of \$11,630,000 dated January 28, 2010, which bonds maturing on or after December 1, 2020 (the "Refunded Bonds") are redeemable at the option of the Township in whole or in part on any date on or after December 1, 2019 (the "Redemption Date") at par (the "Redemption Price"), plus in each case accrued interest, if any, to the Redemption Date.

Section 4. The Bonds shall be issued in accordance with the terms and the conditions set forth in the Purchase Contract within the parameters set forth herein:

(A) The Bonds shall be issued in a par amount determined to be necessary to pay costs of issuance and to provide for payment of the Redemption Price of the Refunded Bonds on the Redemption Date, and the interest due on the Refunded Bonds through the Redemption Date;

(B) The Bonds shall be dated such date as established in the Purchase Contract;

(C) The Bonds shall mature in the principal amounts on or about December 1 of each year, commencing on or about December 1, 2020 and thereafter or as otherwise set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each June 1 and December 1 until maturity or earlier redemption, commencing on or about December 1, 2020 or as otherwise set forth in the Purchase Contract;

(D) The Bonds shall be issued in the form of one bond for each maturity except if all or any portion of the Bonds are issued as term bonds;

(E) The Bonds shall be numbered consecutively from R-1 upward and shall mature in such principal amounts with such mandatory call features and with such mandatory sinking fund payments as set forth below and as determined in the Purchase Contract;

(F) The Bonds may be subject to optional redemption or not as set forth in the Purchase Contract;

(G) Depending on market conditions at the time of the sale, the Bonds may be issued in one or more series as determined by the Chief Financial Officer, in consultation with Bond Counsel and with Phoenix Advisors, LLC (the "Municipal Advisor").

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to conform the Bonds to the requirements of the Purchase Contract:

SAMPLE BOND FORM FOR INFORMATION
ONLY - DO NOT COMPLETE

REGISTERED
NUMBER R- _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH

REFUNDING BOND

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
__/__/2019	12/01/20__	_____ %	_____

TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of _____ DOLLARS (\$_____) and to pay interest on such sum from the Dated Date set forth above at the Rate of Interest Per Annum specified above semiannually on the first days of June and December in each year until maturity commencing on December 1, 2020. Interest on this bond will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the May 15 and November 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

[The bonds of this issue maturing prior to December 1, 20__ are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after December 1, 20__ are redeemable at the option of the Township in whole or in part on any date on or after December 1, 20__ upon notice as required herein at par, plus in each case unpaid accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such

mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the Securities Depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township. The bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with unpaid accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.]

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey and a refunding bond ordinance of the Township finally adopted July 11, 2019 and entitled, "Refunding Bond Ordinance Providing for the Refunding of All or a Portion of the Outstanding General Obligation Refunding Bonds, Series 2010A, of the Township of Marlboro, in the County of Monmouth, New Jersey, Appropriating \$6,000,000 Therefor and Authorizing the Issuance of \$6,000,000 Refunding Bonds of the Township for Financing the Cost Thereof."

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor, its corporate seal to be hereunto imprinted or affixed, this bond and

the seal to be attested by the manual signature of its Clerk, and this bond to be dated the Dated Date as specified above.

TOWNSHIP OF MARLBORO, IN THE
COUNTY OF MONMOUTH, NEW JERSEY

[SEAL]
ATTEST:

By:

(Facsimile)

Mayor

By: _____
Clerk

[END OF SAMPLE BOND FORM]

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Chief Financial Officer is hereby authorized and directed to file a signed duplicate of such written opinion in the Township Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 7. Bond Counsel is authorized to arrange for the printing of the Bonds. The proper officials of the Township are hereby authorized and directed to execute the Bonds and to deliver them to the Purchaser in exchange for payment, including accrued interest from their date to the date of delivery, if any.

Section 8. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held

in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 10. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code. The Township authorizes the Chief Financial Officer to act and determine on behalf of the Township whether the Bonds will be designated as "bank qualified" within the meaning of Section 265 of the Code.

Section 11. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each fiscal year, beginning September 30, 2020 for the fiscal year ending December 31, 2019, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) if any of the following material events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Bonds, if material;
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

Notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 12. The Township hereby approves the preparation and the distribution of the Preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds, and the Chief Financial Officer is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Purchaser within the earliest of seven business days following the sale of the Bonds or to accompany the Purchaser's confirmations that request payment for the Bonds. Bond Counsel and/or the Municipal Advisor are further authorized to arrange on behalf of the Township for a rating for the Bonds from S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service, and all such actions taken to date are hereby ratified.

Section 13. The Chief Financial Officer, with the advice of the Municipal Advisor, is authorized to arrange for bond insurance if advantageous based on the advice of the Underwriter to be provided at a premium not to exceed 75 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Township necessary to do so.

Section 14. The Chief Financial Officer, with the advice of Bond Counsel, shall arrange for paying agent services or redemption agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

Section 15. The Chief Financial Officer is also authorized and directed to pay the costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Chief Financial Officer to be executed upon delivery of the Bonds in an aggregate amount not to exceed the amount outlined in the Bond Ordinance.

Section 16. The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the Redemption Date, at par, plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. The Municipal Advisor and/or the Underwriter, on behalf of the Township, are authorized to reserve and purchase open market treasury securities and/or United State Treasury-State and Local Government Series (SLGs) for deposit with the escrow agent, if required. All of the principal amount and interest earnings on the open market treasury securities and/or SLGs, as well as cash, if necessary, will be used to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Price on the Refunded Bonds on the Redemption Date. The Township hereby authorizes M&T Bank to serve as escrow agent, if necessary, based upon the recommendation of the Municipal Advisor and authorizes the Chief Financial Officer and/or Mayor to enter into an Escrow Deposit Agreement with such escrow agent, if necessary, in order to provide instructions regarding the deposit of the open market treasury securities and/or SLGs and cash, if any.

Section 17. The Township hereby authorizes Lerch, Vinci & Higgins, LLP to serve as verification agent, if necessary, to confirm the accuracy of the arithmetical and mathematical computations supporting (i) the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Prices on the Redemption Date; and (ii) the calculations of yield supporting the conclusion of Bond Counsel that the Bonds are not "arbitrage bonds" as such meaning is set forth in the Code.

Section 18. The Mayor, Chief Financial Officer and other appropriate representatives of the Township are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the redemption of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Township and taking all steps necessary or desirable to implement the requirements of this resolution, such agreements, and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 19. This resolution shall take effect immediately.

RESOLUTION # 2019-235

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$5,024.01 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 \$ 5,024.01 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2017-038	214.03/4	Fig Capital Investments NJ13 PO Box 54472 New Orleans, LA 70154 Assessed Owner: Rotblat, Scott & Michelle	3,411.61
2017-057	360/25.16	Fig Capital Investments NJ13 PO Box 54472 New Orleans, LA 70154 Assessed Owner: Van Auken Eric, Trustee	1,612.40

RESOLUTION # 2019-236

WHEREAS, a year end penalty for delinquent 2018 added/omitted assessment taxes was applied to the following property as designated on the Marlboro Township Tax Map: Block 154 Lot 17 Qualifier Q, located on Reids Hill Road,

WHEREAS, the aforementioned property had a successful tax appeal for the added/omitted assessment with the Tax Court of New Jersey and the delinquent taxes have been cancelled as a result of the appeal. The Township Tax Collector has therefore recommended that the year-end penalty in the amount of \$2,695.05 be cancelled being the added/omitted taxes have been cancelled as a result of the appeal,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the year-end penalty totaling \$2,695.05 be cancelled as stated above.

RESOLUTION # 2019-237

RESOLUTION AUTHORIZING THE SETTLEMENT OF LITIGATION
IN THE MATTER OF TOWNSHIP OF MARLBORO V. AMERICAN TENNIS
COURTS INC. ET ALS DOCKET # MON-L-003072-18

BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that:

WHEREAS, on or about August 23, 2018 The Township filed a Complaint in the Superior Court of New Jersey, Law Division, entitled Township of Marlboro v. American Tennis Courts Inc., et als, Docket # MON-L- 003072-18; and

WHEREAS, the Township filed this Complaint in which the Township sought damages in connection with a resurfacing project at the Marlboro Swim Club; and

WHEREAS, all parties to this matter have been represented by counsel during all relevant portions of this matter and have engaged in settlement negotiations in an attempt to amicably resolve the issues; and

WHEREAS, as a result of such negotiations, the parties have reached mutually agreeable terms and a total and complete resolution of the litigation.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey that pursuant to the recommendation of Township Attorney they hereby authorize the approval and acceptance of the Settlement Agreement and Mutual Release in substantially the form annexed hereto and made a part hereof.

At 7:55 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: AUGUST 15, 2019

OFFERED BY: MARDER AYES: 5

SECONDED BY: MAZZOLA NAYS: 0

ALIDA MANCO
MUNICIPAL CLERK

SCOTT METZGER
COUNCIL PRESIDENT

