

MARLBORO TOWNSHIP COUNCIL MEETING

March 21, 2024

The Marlboro Township Council held its regularly scheduled meeting on March 21, 2024 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President DiNuzzo 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 emailed to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on March 19, 2024; published in the Asbury Park Press on December 26, 2023; posted on the Bulletin Board of the Municipal Building; filed in the Office of the Municipal Clerk and placed on the township's website and Channel 77.

Municipal Clerk Susan A. Branagan called the roll.

PRESENT: Council Vice President Milman, Councilman Qazi, Councilwoman Viridi and Council President DiNuzzo. Councilman Scalea was absent.

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

Presentation Mr. Mubarak, a resident of Marlboro Township gave a presentation on Ramadan.

Mayor Hornik gave a few words of Remembrance for the Peterson Family.

Citizen's Voice:

Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey said that he has not received engineering approval for building on his commercial property.

Council Speaks Out: Councilwoman Viridi wished everyone a Happy Ramadan. Councilman Qazi thanked the Mayor for the presentation for Ramadan for the Muslim community. He commended the Mayor for his work keeping Marlboro together. Council Vice President Milman wished the Muslim community a happy Ramadan and he gave his condolences to the Peterson family. Council President DiNuzzo hoped that everyone enjoyed St. Patrick's Day and St. Joseph's Day. She advised that the

egg hunt will be postponed due to inclement weather. She also wished those who celebrate Easter a happy and healthy holiday

Administrative Report: Mayor Hornik read a proclamation for Ramadan. He expressed his condolences to Officer Peterson and family who lost his son suddenly. He also expressed his appreciation to Chief Pezzullo and the police, fire and first aid members who supported the family through this challenging time. A moment of silence was held. The Mayor discussed some of the federal grants that have been awarded to the Township. He also discussed the capital plan. He advised that a previous Township employee, Sharon Richardson passed away following a long term illness. Lastly, the Mayor announced the retirement of the Township's Assistant Engineer Dean Staknys who worked for the Township for 38 years. He wished Dean a happy retirement and a Mets World Series victory.

Councilman Qazi moved that the Council meeting minutes of February 29, 2024 be approved. This was seconded by Councilwoman Viridi, and passed on a roll call vote of 3 - 0 in favor. Councilman Milman abstained and Councilman Scalea was absent.

The following Ordinance #2024-007 (ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

ORDINANCE #2024-007

CALENDAR YEAR 2024

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$346,133.67 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,211,467.85, and that the CY 2024 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following resolution #2024-090 (Introduction of the 2024 Municipal Budget) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2024-090

INTRODUCTION OF THE 2024 BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2024, as introduced by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 18, 2024 at the Township of Marlboro Municipal Complex.

The following Ordinance #2024-008 (BOND ORDINANCE PROVIDING FOR VARIOUS 2024 GENERAL CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP OF MARLBORO) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

ORDINANCE #2024-008

BOND ORDINANCE PROVIDING FOR VARIOUS 2024
GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY; APPROPRIATING \$7,114,261
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$6,762,722 BONDS OR NOTES TO FINANCE PART OF THE
COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, State of New Jersey (the "Township") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$7,114,261, which appropriation is inclusive of \$351,539 as the aggregate amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$7,114,261 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$6,762,722 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$6,762,722 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include, but are not limited to, as follows:

| Description | Appropriation | Authorization | Down Payment | Useful Life |
|---|---------------|---------------|--------------|-------------|
| (a) Road and Drainage Improvements - Various Road And Drainage Improvements Which Improvements Shall Include, But Not Be Limited To, As Applicable, Improvements To Various Township Roads; Improvements To Stormwater Basins, Drainage Improvements And/Or Resurfacing Of Parking Lots; The Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement; And Where Necessary, The Sealing Of Pavement Cracks; And Associated Repairing And/Or Installation Of Curb, Curb Ramps, Sidewalks, Driveway Aprons, Resetting Of Utility Castings And Drainage Grates; Check Valve And Associated Drainage Improvements; Roadway | \$3,653,820 | \$3,473,275 | \$180,545 | 20 years |

| Description | Appropriation | Authorization | Down Payment | Useful Life |
|--|---------------|---------------|--------------|-------------|
| Painting, Landscaping And Other Aesthetic Improvements; | | | | |
| (b) Historic Sites - Replacement of Historic Markers And Related Equipment and Improvements; | \$11,384 | \$10,821 | \$563 | 5 years |
| (c) Misc. Improvements - Various Improvements To The Township Dog Park And The Farmers Market At Stattel Farm; | \$344,037 | \$327,037 | \$17,000 | 10 years |
| (d) Police Department - Acquisition of Various Equipment Including, But Not Limited To, Weapons, Traffic Control and Enforcement Equipment; Replacement of Office Furniture; And The Acquisition Of Various Vehicles, Including Related Equipment; | \$463,096 | \$440,213 | \$22,883 | 5 years |
| (e) Township Offices - Various Improvements To Township Offices Including, But Not Limited To, Replacement Of Furniture And Computer Hardware And Software And Improvements to HVACs, Audio Visual Equipment and Records Management; | \$437,893 | \$416,254 | \$21,639 | 5 years |
| (f) Public Works - Acquisition Of Various Equipment Including, But Not Limited to, A Vacuum Street Sweeper, Recycling Dumpsters, And Various | \$1,389,054 | \$1,320,416 | \$68,638 | 14.60 years |

| Description | Appropriation | Authorization | Down Payment | Useful Life |
|---|---------------|---------------|--------------|-------------|
| Vehicles; Replacement Of Office Furniture; Improvements To Firehouse Property; And Various Improvements To Buildings And Grounds Including, But Not Limited to, Structural Repairs And Improvements to Heating Ventilation Air Conditioning Systems; | | | | |
| (g) Township Library - Various Improvements To Township Library Including, But Not Limited to, Replacement Of Furniture; and | \$8,500 | \$8,080 | \$420 | 5 years |
| (h) Recreation - Various Recreational Improvements Including, But Not Limited to, Replacement Of Synthetic Turf And Playground Equipment and Flooring; Improvements to Walkways; Improvements to Lightening Detection System; Acquisition Of Various Vehicles and Other Recreational Equipment. | \$806,477 | \$766,626 | \$39,851 | 13.91 years |
| TOTALS | \$7,114,261 | \$6,762,722 | \$351,539 | |

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$6,762,722.

(d) The aggregate estimated cost of said improvements or purposes is \$7,114,261, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes in the aggregate amount of \$351,539.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The 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 of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. 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 and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.82 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$6,762,722 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,420,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer 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 Township 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 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

The following Ordinance #2024-009 (BOND ORDINANCE PROVIDING FOR VARIOUS 2024 WATER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MARLBORO) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

ORDINANCE #2024-009

BOND ORDINANCE PROVIDING FOR VARIOUS 2024 WATER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,843,809 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,843,809 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, State of New Jersey (the "Township") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,843,809, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Water Utility of the Township is self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,843,809 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,843,809 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various water utility improvements throughout the Township including, but not limited to, Improvements to Various Utility Equipment/Facilities, Repair and/or Replacement of Water Mains, Improvements to Township Wells, Restoration of Harbor Road Lagoon, Acquisition of a Pick-Up Truck with Plow, Repair to and/or Replacement of Water Meters, Maintenance/Improvements and/or Acquisition and Installation, as applicable, of Hydrants, Valves and Pipes.

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning,

preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,843,809.

(d) The aggregate estimated cost of said improvements or purposes is \$2,843,809.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The 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 of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate,

the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Municipal Clerk and will be available for public inspection.

SECTION 7. 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 and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 33.07 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Municipal Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$2,843,809 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$570,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer 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 Township 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 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

The following Ordinance #2024-010 (BOND ORDINANCE PROVIDING FOR VARIOUS 2024 RECREATIONAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MARLBORO) was introduced by reference, offered by Council Vice President Milman, seconded by Councilwoman Virdi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

ORDINANCE #2024-010

BOND ORDINANCE PROVIDING FOR VARIOUS 2024
RECREATIONAL IMPROVEMENTS, BY AND IN THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY; APPROPRIATING \$5,000,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$4,750,000 BONDS OR NOTES TO FINANCE PART OF THE
COST THEREOF

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

SECTION 1. The improvements or purposes described in Section
3 of this bond ordinance are hereby authorized to be undertaken by the
Township of Marlboro, in the County of Monmouth, State of New Jersey
(the "Township") as general capital improvements. For the said
improvements or purposes stated in Section 3, there is hereby
appropriated the sum of \$5,000,000, which appropriation is inclusive
of \$250,000 as the aggregate amount of down payment for said
improvements or purposes required by the Local Bond Law, N.J.S.A.
40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now
available therefor by virtue of a provision or provisions in a
previously adopted budget or budgets of the Township for down payment
or for capital improvement purposes.

SECTION 2. For the financing of said improvements or
purposes described in Section 3 hereof and to meet the part of said
\$5,000,000 appropriation not provided for by application hereunder of
said down payment, negotiable bonds of the Township are hereby
authorized to be issued in the principal amount of \$4,750,000 pursuant
to the Local Bond Law. In anticipation of the issuance of said bonds
and to temporarily finance said improvements or purposes, negotiable
notes of the Township in a principal amount not exceeding \$4,750,000
are hereby authorized to be issued pursuant to and within the
limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and
purposes for the financing of which said bonds or notes are to be
issued, are various recreational improvements including, but not
limited to, the acquisition and installation of a running track,
bleachers, benches and fencing, and the installation of turf playing
fields, including all applicable site and drainage requirements.

(b) All such improvements or purposes set forth in Section
3(a) shall include, but are not limited to, as applicable, all

engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$4,750,000.

(d) The aggregate estimated cost of said improvements or purposes is \$5,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes in the aggregate amount of \$250,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The 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 of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Municipal Clerk and will be available for public inspection.

SECTION 7. 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 and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.00 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Municipal Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$4,750,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer 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 Township 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 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

The following Ordinance #2024-011 (ORDINANCE APPROPRIATING A \$172,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR THE TENNENT ROAD WALKING TRAIL IN AND FOR THE TOWNSHIP OF MARLBORO) was introduced by reference, offered by Council Vice President Milman, seconded by

Councilman Qazi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

ORDINANCE #2024-011

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$172,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR THE TENNENT ROAD WALKING TRAIL 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 \$172,000 grant expected to be received by the Township from the Monmouth County Municipal Park Improvement Grant Program is hereby appropriated for the purpose of providing funds for the Tennent Road Walking Trail, 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 Municipal Clerk and is available there for public inspection.

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

The following Ordinance #2024-012 (ORDINANCE APPROPRIATING A \$209,528 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO ROBERTSVILLE ROAD IN AND FOR THE TOWNSHIP OF MARLBORO) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

ORDINANCE #2024-012

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$209,528 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO ROBERTSVILLE 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 \$209,528 grant expected to be received by the Township from the NJDOT Local Transportation Fund Program (Fiscal Year 2024) is hereby appropriated for the purpose of providing funds for improvements to Robertsville 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 Municipal Clerk and is available there for public inspection.

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

The following resolution #2024-091 (Closed Session -Acquisition of real property) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and passed by voice vote with all councilmembers present in favor.

RESOLUTION #2024-091

CLOSED EXECUTIVE SESSION

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 21ST day of March, 2024 to enter into a closed executive session for the purpose of discussing an item that is particularly exempt from the Open Public Meetings Act, acquisition of real property.

BE IT FURTHER RESOLVED, that the governing body shall adjourn to a closed executive session for the purpose of discussing said aforementioned item and that such closed executive session should take approximately 20 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session

The following Ordinance #2024-013 (ORDINANCE AMENDING ORDINANCE 2010-18 AUTHORIZING THE PURCHASE OF 137 ROUTE 9 SOUTH, MARLBORO, NEW JERSEY FOR AFFORDABLE HOUSING PURPOSES) was introduced by reference, offered by Council Vice President Milman, seconded by Councilwoman Viridi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

ORDINANCE #2024-013

AN ORDINANCE AMENDING ORDINANCE 2010-18
AUTHORIZING THE PURCHASE OF 137 ROUTE 9
SOUTH, MARLBORO, NEW JERSEY FOR AFFORDABLE
HOUSING PURPOSES

WHEREAS, as a result of the Court imposed affordable housing obligation and consistent with the Housing Element and Fair Share Plan contained in the Township's Master Plan, the Township is required to acquire certain real property known as Block 270, Lot 14 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, commonly known as 137 Route 9 South, Marlboro, New Jersey (the "Property"), the Marlboro Motor Lodge property, for Affordable Housing purposes within the Township and the Township has been engaged in contract negotiations with the Owners, to purchase the Property; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Marlboro is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Marlboro has the power to acquire any real property for a public purpose through negotiated agreement or eminent domain; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it would serve a public purpose and be to the benefit of the health and welfare of the Township's citizens for the Township to acquire the Property in order to use the same for Affordable Housing purposes within the Township of Marlboro; and

WHEREAS, the acquisition of the aforesaid Property was authorized by Ordinance #2010-18 and, it is necessary in order to satisfy the court's judgement that the Township Council of the Township of Marlboro acquire the Property by negotiated agreement or authorize the use of eminent domain to acquire the Property.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Ordinance #2010-18 is hereby amended as follows:

1. The acquisition of the Property by negotiated agreement or by eminent domain is hereby authorized.

2. The Mayor is hereby authorized to enter into contract negotiations for the purchase of the Property known as Block 270, Lot 14 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, commonly known as 137 Route 9 South, Marlboro, New Jersey (the "Property"), for Affordable Housing purposes in the Township of Marlboro from the owner of the Property or to take such steps as is necessary to cause the Property to be acquire by eminent domain in accordance with the provision so N.J.S.A.20:3-1 et. seq.

3. The Mayor and Municipal Clerk are hereby authorized and directed to execute and witness any documents which may be required to effectuate the acquisition of the Property.

4. All other provisions of Ordinance #2010-18 inconsistent with this ordinance are hereby repealed.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Milman, seconded by Councilman Qazi and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2024-092

RESOLUTION AUTHORIZING THE EXECUTION OF A HOME IMPROVEMENT PROGRAM AGREEMENT UNDER THE TOWNSHIP'S AFFORDABLE HOUSING REHABILITATION PROGRAM

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate income households; and

WHEREAS, the Township of Marlboro's Administrative Agent has received an application for housing rehabilitation assistance from Catherine Travis who resides at 11 Council Drive, Morganville, NJ 07751 ("Applicant"); and

WHEREAS, the Administrative Agent has certified that the applicant has met the eligibility requirements of the Township's Affordable Housing Rehabilitation Program; and

WHEREAS, the Township wishes to address the needs of qualified households through its Affordable Housing Rehabilitation Program and supports this application.

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

1. The Township Council of the Township of Marlboro hereby authorizes the execution of a Home Improvement Program Agreement with Catherine Travis by the Mayor and Municipal Clerk in a form approved by the Township Attorney; and

2. A certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Administrative Agent
- c. Municipal Housing Liaison
- d. Township Attorney

RESOLUTION #2024-093

RESOLUTION AUTHORIZING THE EXECUTION OF A HOME IMPROVEMENT
PROGRAM AGREEMENT UNDER THE TOWNSHIP'S AFFORDABLE HOUSING
REHABILITATION PROGRAM

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate income households; and

WHEREAS, the Township of Marlboro's Administrative Agent has received an application for housing rehabilitation assistance from Edward and Amy Grossman who resides at 59 St. Lawrence Way, Marlboro, NJ 07746 ("Applicant"); and

WHEREAS, the Administrative Agent has certified that the applicant has met the eligibility requirements of the Township's Affordable Housing Rehabilitation Program; and

WHEREAS, the Township wishes to address the needs of qualified households through its Affordable Housing Rehabilitation Program and supports this application.

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

1. The Township Council of the Township of Marlboro hereby authorizes the execution of a Home Improvement Program Agreement with Edward and Amy Grossman by the Mayor and Municipal Clerk in a form approved by the Township Attorney; and

2. A certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Administrative Agent
- c. Municipal Housing Liaison
- d. Township Attorney

RESOLUTION #2024-094

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT FOR THE
MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP
OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY
DIVISION

WHEREAS, the Township of Marlboro as part of its annual capital program (2023-500-21) authorized the redevelopment and rehabilitation of wells for the Water Utility Division; and

WHEREAS, on April 28, 2022 (Resolution #2022-105) the Township Council of the Township of Marlboro awarded a contract to A.C. Schultes, Inc., FOR THE MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION (Bid #2022-03); 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, on February 23, 2023 (Resolution #2023-081) the Township Council of the Township of Marlboro approved the first one-year extension of the contract; and

WHEREAS, in a memo dated March 5, 2024, the Director of Public Works has recommended that the Township approve the second and final 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, authorizes a renewal of the contract based upon the same terms and conditions as specified in the bid proposal to A.C Schultes, Inc. whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 for THE MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION, for a term of one year beginning on May 1, 2024 and terminating April 30, 2025.

BE IT FURTHER RESOLVED, that funds have been certified by the Chief Financial Officer in the amount of \$165,300.00 in Current Account 01-201-28-123-288121, Water Operating Account 05-201-55-500-288020 and Water Capital Account 06-215-23-07E-500288.

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

- a. A.C Schultes, Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2024-095

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT FOR THE PROVISION OF VARIOUS STREET AND ROAD MATERIALS THROUGH BIDS OBTAINED BY THE WESTERN MONMOUTH PURCHASING GROUP COOPERATIVE PRICING SYSTEM

WHEREAS, the Township of Marlboro, Lead Agency of the Western Monmouth Purchasing Group (WMPG), conducted a public bidding process for the provision of various street and road materials for the members of the cooperative pricing system, and on May 19, 2022 (Resolution #2022-124) the Township Council of the Township of Marlboro awarded contracts to Stavola Construction Materials, Inc. and American Bituminous Company, Inc. FOR THE PROVISION OF VARIOUS STREET & ROAD MATERIALS FOR THE TOWNSHIP OF MARLBORO (Bid 2022B-WMPG); and

WHEREAS, the bid specifications included the option to renew said contracts 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, on May 18, 2023 (Resolution #2023-128) the Township Council of the Township of Marlboro approved the first one-year extension of the contracts; and

WHEREAS, in a memo dated March 5, 2024, the Director of Public Works has recommended that the Township approve the second and final one (1) year extension of the contracts; 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, authorizes a renewal of the contract based upon the same terms and conditions as specified in the bid proposal to Stavola Construction Materials whose address is 175 Drift Road B, Tinton Falls, New Jersey 07724 for the PROVISION OF VARIOUS STREET & ROAD MATERIALS FOR THE TOWNSHIP OF MARLBORO, for a term of one year beginning on June 1, 2024 and terminating May 31, 2025, in an amount not to exceed \$65,901.25.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, authorizes a renewal of the contract based upon the same terms and conditions as specified in the bid proposal to American Bituminous Company, Inc. whose address is 100 Main Street West, Collingswood Heights, New Jersey, 08059 for the PROVISION OF VARIOUS STREET & ROAD MATERIALS FOR THE TOWNSHIP OF MARLBORO, for a term of one year beginning on June 1, 2024 and terminating May 31, 2025, in an amount not to exceed \$4,650.00.

BE IT FURTHER RESOLVED, that funds have been certified by the Chief Financial Officer in the amount of \$70,551.25 from Capital Accounts 04-215-21-04C-060288 and 04-215-22-07A-060288.

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

- a. Stavola Construction Materials
- b. American Bituminous Company, Inc.
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Director of Public Works

RESOLUTION #2024-096

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE
PROVISION OF HVAC MAINTENANCE SERVICES FOR THE TOWNSHIP OF
MARLBORO

WHEREAS, the Township of Marlboro accepted bids for the PROVISION OF HVAC MAINTENANCE SERVICES (Bid 2024-03) and on January 31, 2024 received no bids; and

WHEREAS, the Township of Marlboro accepted bids for the PROVISION OF HVAC MAINTENANCE SERVICES (Bid 2024-03B) on a second occasion, and on February 21, 2024 received two (2) bids; and

WHEREAS, the Township Council rejected the bids received on February 29, 2024 (Resolution #2024-085) pursuant to 40A:11-23.2(a) and 40A:11-13.2(b); and

WHEREAS, pursuant to N.J.S.A 40A:11-5 (3) bids have been advertised on two occasion and the Township having received no bids on one occasion and rejected all bids on the second occasion, the Township may negotiate such contract which may be awarded upon adoption of a resolution by two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract; and

WHEREAS, the Director of Public Works has solicited competitive quotations utilizing the bid specifications and received two (2) proposals as follows:

| N O | ITEM | Crystal Air Associates | Air Systems Maintenance |
|--------|--|------------------------|-------------------------|
| | | 6 Ryan Road | 718 Jefferson Avenue |
| | | Marlboro, NJ 07746 | Kenilworth, NJ 07033 |
| | | UNIT PRICE | UNIT PRICE |
| 1 | Maintaining all equipment at the Police, Court and Administration Building | \$ 18,185.00 | \$ 20,000.00 |
| 2 | Maintaining all equipment at the Administration Annex Building | \$ 985.00 | \$ 2,000.00 |
| 3 | Maintaining all equipment at the Traffic and Safety Sign Shop Building | \$ 490.00 | \$ 2,000.00 |
| 4 | Maintaining all Equipment at the Police Annex/Evidence Building and Cellular Tower Equipment Shelter | \$ 1,600.00 | \$ 3,000.00 |
| 5 | Maintaining all equipment at the Grounds Maintenance Building | \$ 1,695.00 | \$ 3,000.00 |
| 6 | Maintaining all equipment at the Grounds Maintenance Building | \$ 3,205.00 | \$ 5,000.00 |
| 7 | Maintaining all equipment at the Recreation Center | \$ 9,985.00 | \$ 10,000.00 |
| 8 | Maintaining all equipment for the Morganville Senior Center | \$ 1,605.00 | \$ 3,000.00 |
| 9 | Maintaining all equipment at the Library | \$ 7,120.00 | \$ 10,000.00 |
| 10 | Maintaining all equipment at the Morganville First Aid Building | \$ 1,265.00 | \$ 3,000.00 |
| 11 | Maintaining all equipment at the Marlboro First Aid Building | \$ 1,600.00 | \$ 3,000.00 |
| 12 | Maintaining all equipment at the Marlboro Country Park and | \$ | \$ |

| | | | |
|-----------|---|---------------------|---------------------|
| | Swim Club | 285.00 | 2,000.00 |
| 13 | Maintaining all equipment at all Water Utility Facilities | \$ 4,935.00 | \$ 10,000.00 |
| 14 | Maintaining all equipment at the Morganville Firehouse, 78 Tennent Road | \$ 2,500.00 | \$ 3,000.00 |
| 15 | TOTAL OF ALL PROPOSALS | \$ 55,455.00 | \$ 79,000.00 |

; and

WHEREAS, in a memo dated March 7, 2024 and based upon the quotation supplied, the Director of Public Works has recommended that a contract be awarded to Crystal Air Associates, whose address is 6 Ryan Road, Marlboro, NJ 07746 for the PROVISION OF HVAC MAINTENANCE SERVICES, for a term of one year ending on March 31, 2025, with an option to renew for one two-year or two one-year extension as specified in the bid specifications, at the sole discretion of the Township in an amount not to exceed \$55,455.00 for labor only, with parts to be charged at a rate of twenty percent (20%) above the contractor's documented cost; 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 Crystal Air Associates, whose address is 6 Ryan Road, Marlboro, NJ 07746 for the PROVISION OF HVAC MAINTENANCE SERVICES in an amount not to exceed \$55,455.00 for labor only, with parts to be charged at a rate of twenty percent (20%) above the contractor's documented cost.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Crystal Air Associates 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 funds in the amount of \$41,591.25 for the 2024 portion of the aforesaid contract in Current Fund Account 01-201-26-122-276.

BE IT FURTHER RESOLVED, that funds in the amount of \$13,863.75, for the remaining portion of the contract, will be certified upon the adoption of the 2025 municipal budget.

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

- a. Crystal Air Associates
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2024-097

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PROVISION OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro accepted bids for the PROVISION OF CHEMICALS (Bid 2024-01) and on January 24, 2024 received two (2) bids; and

WHEREAS, the Township Council rejected the bids received on February 15, 2024 (Resolution #2024-066) pursuant to 40A:11-23.2(c) and 40A:11-13.2(b); and

WHEREAS, the Township of Marlboro accepted bids for the PROVISION OF CHEMICALS (Bid 2024-01b) on a second occasion, and on March 6, 2024, received three (3) proposals as follows:

| Contract | Chemical Name | Est. Annual Qty. | Unit | Main Pool and Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641 | | Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727 | | Univar Solutions USA, LLC 200 Dean Sievers Place Morrisville, PA 19067 | |
|----------|------------------------------------|------------------|-------|--|-----------------|---|-----------------|--|------------|
| | | | | | | | | | |
| 1B | Sodium Hypochlorite | 25,000 | gals. | 3.63 | 90,750.00 | 5.77 | 144,250 | 3.29 | 82,250.00 |
| 1C | Sodium Hydroxide | 75,000 | gals. | 2.12 | 159,000.00 | No Bid | | 3.49 | 261,750.00 |
| | Est. Annual Total | | | | 249,750.00 | | 144,250.00 | | 344,000 |
| Contract | Swim/Aquatic Center Pool Chemicals | Est. Weekly Qty. | Unit | | | | | | |
| 1D-1 | Sodium Hypochlorite | 750 | gal. | 3.93 | 2,947.50 | 7.77 | 5,827.50 | No Bid | No Bid |
| 1D-2 | Sodium Bicarbonate | 10 | bags | 37.50 | 375.00 | 45.00 | 450.00 | No Bid | No Bid |
| 1D-3 | Calcium Chloride | 10 | bags | 25.00 | 250.00 | 45.00 | 450.00 | No Bid | No Bid |
| 1D-4 | Sodium Thiosulfate | 2 | bags | 45.00 | 90.00 | 75.00 | 150.00 | No Bid | No Bid |
| | Est. Weekly Total | | | | 3,662.50 | | 6,877.50 | | |

; and

WHEREAS, in a memo dated March 7, 2024, the Director of Public Works has recommended that Main Pool & Chemical Co. Inc., whose address is 110 Commerce Road, Pittston, PA 18640, as the lowest responsible bidder be awarded Contract 1B and 1C for the following

items to service the water treatment plants:

| Type | Quantity | Unit Price (\$) | Total Price (\$) NOT TO EXCEED |
|------------------------------------|-------------|-----------------|---------------------------------------|
| Contract 1B Sodium Hypochlorite | 25,000 gals | \$3.63/ gal | \$90,750.00 |

| Type | Quantity | Unit Price | Total Price (\$) NOT TO EXCEED |
|---------------------------------|-------------|----------------|---------------------------------------|
| Contract 1C Sodium Hydroxide | 75,000 gals | \$2.12/ gal | \$159,000.00 |

; and

WHEREAS, the Director of Public Works has further recommended that Main Pool & Chemical Co. Inc., whose address is 110 Commerce Road, Pittston, PA 18640, as the lowest responsible bidder, be awarded Contract 1D for the following items to service the swim club and aquatic center pools:

| Type | Qty (per wk) | Unit Price | Total Price | NOT TO EXCEED |
|---------------------------|-----------------------|-------------|-------------------------------|----------------------|
| 1D-1, Sodium Hypochlorite | Swim - 11,200 gals. | \$3.93/gal. | Swim (16 wks) \$44,016.00 | 50,893.50 |
| | Aquatic - 1,750 gals. | | Aquatic (7 wks) \$6,877.50 | |
| 1D-2, Sodium Bicarbonate | Swim - 160 bags | \$37.50/bag | Swim (16 wks) \$6,000.00 | 8,625.00 |
| | Aquatic - 70 bags | | Aquatic (7 wks) \$1,750.00 | |
| 1D-3, Calcium Chloride | Swim - 160 bags | \$25.00/bag | Swim (16 wks) \$4,000.00 | 5,750.00 |
| | Aquatic - 70 bags | | Aquatic (7 wks) \$1,750.00 | |
| 1D-4, Sodium Thiosulfate | Swim - 32 bags | \$45.00/bag | Swim (16 wks) \$1,440.00 | 2,070.00 |
| | Aquatic - 14 bags | | Aquatic (7 wks) \$630.00 | |

Total Award 67,338.50

; 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 Main Pool & Chemical Co. Inc., whose address is 110 Commerce Road, Pittston, PA 18640 in an amount not to exceed \$317,088.50 for the PROVISION OF CHEMICALS, for a term of one year ending on March 31, 2025, with an option to renew for one two-year or two one-year extension as specified in the bid specifications, at the sole discretion of the Township.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Main Pool & Chemical Co. Inc., whose address is 110 Commerce Road, Pittston, PA 18640 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 funds in the amount of \$223,171.50 for the aforesaid contract in Water Utility Accounts 05-201-55-500-293021 and 05-201-55-500-293022, and Recreation Utility Accounts 09-201-55-400-293452 and 09-201-55-400-293451.

BE IT FURTHER RESOLVED, that funds for the remaining portion of the contract, subject to available budget appropriations, will be certified at the time of order.

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

- a. Main Pool Chemical Co. Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2024-098

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR
THE SITE IMPROVEMENTS AT THE SITE KNOWN AS THE PLACE AT
MARLBORO LLC, BLOCK 148, LOT 31 AND BLOCK 149, LOT 16, LOCATED
AT TENNENT ROAD (COUNTY ROUTE 3), TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY 07746

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

LLC, for a reduction in the Township held Performance Guarantees in the form of a Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "The Place at Marlboro LLC" (the "Site"), property known as Block 148, Lot 31 and Block 149, Lot 16, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by The Place 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 February 22, 2024, 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 Bond and Cash Deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated February 22, 2024.

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 Bond and Cash Deposit posted by the Developer, The Place at Marlboro for the site known as The Place at Marlboro LLC, located on property known as Block 148, Lot 31 and Block 149, Lot 16, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Bondex Insurance Company, Bond No. BX22004882105149), in the present amount of \$323,580.74, shall be reduced by \$226,506.52, so that the remaining amount shall be \$97,074.22.
2. The Cash Deposit (Tristate Capital Bank, Check No. 1455) in the present amount of \$35,953.42 (excludes accrued interest), shall be reduced by \$25,167.39 so that the remaining amount shall be \$10,786.02.

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee reduction; and

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

- a. The Place at Marlboro, LLC, Applicant
- b. Bondex Insurance Company, Bonding Company
- c. Meryl A. G. Gonchar, Esq., Applicant's Attorney
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis Rainone, Esq., Township Attorney

RESOLUTION #2024-099

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR
THE WATER IMPROVEMENTS AT THE SITE KNOWN AS THE PLACE AT
MARLBORO LLC, BLOCK 148, LOT 31 AND BLOCK 149, LOT 16, LOCATED
AT TENNENT ROAD (COUNTY ROUTE 3), TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Mark Issa of CIS Construction LLC, for a reduction in the Township held Performance Guarantees in the form of a Bond and Cash Deposit for the water improvements ("Water Improvements") on the Site known as "The Place at Marlboro LLC" (the "Site"), property known as Block 148, Lot 31 and Block 149, Lot 16, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by The Place 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 February 22, 2024, 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 Bond and Cash Deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated February 22, 2024.

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 Bond and Cash Deposit posted by the Developer, The Place at Marlboro for the site known as The Place at Marlboro LLC, located on property

known as Block 148, Lot 31 and Block 149, Lot 16, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Bondex Insurance Company, Bond No. BX22004872105149), in the present amount of \$395,343.61, shall be reduced by \$276,740.53, so that the remaining amount shall be \$118,603.08.

2. The Cash Deposit (Tristate Capital Bank, Check No. 1456) in the present amount of \$43,927.07 (excludes accrued interest), shall be reduced by \$30,748.95 so that the remaining amount shall be \$13,178.12.

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee reduction; and

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

- a. The Place at Marlboro, LLC, Applicant
- b. Bondex Insurance Company, Bonding Company
- c. Meryl A. G. Gonchar, Esq., Applicant's Attorney
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis Rainone, Esq., Township Attorney

RESOLUTION #2024-100

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
THE SITE IMPROVEMENTS AT THE SITE KNOWN AS SARAI MANAGEMENT
LLC, BLOCK 107, LOTS 1.01, 1.02 & 1.03, LOCATED AT WICKER
PLACE, MARTHA PLACE, AND THOMAS LANE, TOWNSHIP OF MARLBORO,
NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Ms. Mikaela Daly, of Sarai Management LLC, for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Sarai Management LLC" (the "Site"), property known as Block 107, Lot 1.01, 1.02, & 1.03 on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Sarai Management 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 February 21, 2024, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the performance bond amount being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated February 21, 2024.

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 Bond and cash deposit posted by the Developer, Sarai Management LLC, for the site known as Sarai Management LLC, located on property known as Block 107, Lot 1.01, 1.02, & 1.03, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (First Indemnity of America Insurance Company, Bond No. CT021936), in the original and present amount of \$60,569.37, shall be released in its entirety.
2. The Cash Deposit (Investors Bank, Check No. 1632) in the original and present amount of \$6,729.93 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee release, and the post of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$8,412.41; and

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

- a. Sarai Management LLC, Applicant
- b. First Indemnity of America Insurance Company, Bonding Company
- c. Salvatore Alfieri, Esq., Applicant's Attorney
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis N. Rainone, Esq., Township Attorney

RESOLUTION #2024-101

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Marlboro has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2024 budget year.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Township of Marlboro that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth,
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION #2024-102

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

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2023 Municipal Budget) as follows:

| CURRENT: | Account | From | To |
|-------------------|--|----------------------|----------------------|
| 01-203-23-100-202 | (2023) Health Insurance Other Expenses | \$ 240,000.00 | |
| 01-203-31-168-238 | (2023) Gasoline Other Expenses | 100,000.00 | |
| 01-203-23-101-204 | (2023) Liability Insurance Other Expenses | | \$ 140,000.00 |
| 01-203-30-184-112 | (2023) Accumulated Absences Other Expenses | | 200,000.00 |
| | | <u>\$ 340,000.00</u> | <u>\$ 340,000.00</u> |

RESOLUTION #2024-103

RESOLUTION ADOPTING A TEMPORARY CAPITAL BUDGET
CALENDAR YEAR 2024

WHEREAS, the Township of Marlboro, County of Monmouth, desires to establish a 2024 Temporary Capital Budget to permit various capital improvements,

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

SECTION 1.

The 2024 Temporary Capital Budget for Township of Marlboro is hereby constituted as follows:

| Project Title | Estimated 2024 Cost | Capital Improvement Fund | Debt Authorized |
|--|--------------------------------|---|----------------------------|
| <u>General Capital</u> | | | |
| Bldg Improvements | 891,461.88 | 44,050.00 | 847,411.88 |
| Equipment-DPW | 38,633.39 | 1,909.00 | 36,724.39 |
| Equipment-Police Dept | 270,413.48 | 13,362.00 | 257,051.48 |
| Furniture | 35,435.86 | 1,751.00 | 33,684.86 |
| HVAC Improvements | 20,237.50 | 1,000.00 | 19,237.50 |
| MIS Equipment | 398,678.75 | 19,700.00 | 378,978.75 |
| Park Improvements | 1,124,578.65 | 55,569.05 | 1,069,009.60 |
| Records Management Solution | 12,142.50 | 600.00 | 11,542.50 |
| Storm drainage improvements | 319,752.50 | 15,800.00 | 303,952.50 |
| Street Improvements and Resurfacing | 3,325,982.53 | 164,347.50 | 3,161,635.03 |
| Vehicles-DPW | 475,581.25 | 23,500.00 | 452,081.25 |
| Vehicles-Other | 15,178.13 | 750.00 | 14,428.13 |
| Vehicles-Police Dept | 186,185.00 | 9,200.00 | 176,985.00 |
| | 7,114,261.41 | 351,538.55 | 6,762,722.86 |
| <u>Water Capital</u> | | | |
| Equipment-Water | 411,075.00 | | 411,075.00 |
| MIS Equipment | 82,721.25 | | 82,721.25 |
| Pump Station Upgrade or Rehab | 70,875.00 | | 70,875.00 |
| Records Management Solution | 11,137.50 | | 11,137.50 |
| Vehicles-DPW | 50,625.00 | | 50,625.00 |
| Water System Improvements | 1,812,375.00 | | 1,812,375.00 |
| Water Tank Upgrade or Rehab | 15,187.50 | | 15,187.50 |
| Water Treatment Plant Upgrades or Rehabilitation | 202,500.00 | | 202,500.00 |
| Water Well Upgrade or Rehab | 187,312.50 | | 187,312.50 |
| | 2,843,808.75 | - | 2,843,808.75 |

SECTION 2.

The Municipal Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

SECTION 3.

The aforementioned capital projects shall be included in the 2024 Permanent Capital Budget as adopted.

RESOLUTION #2024-104

RESOLUTION AUTHORIZING UNEXPENDED 2023 BALANCES BUDGETED FOR
SNOW REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL RESERVE
PURSUANT TO NJSA 40A:4-62.1

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

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

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

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$50,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$50,000.00 of unexpended 2023 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION #2024-105

RESOLUTION AUTHORIZING UNEXPENDED 2023 BALANCES BUDGETED FOR
ACCUMULATED ABSENCES TO BE LAPSED INTO THE ACCUMULATED ABSENCE
RESERVE PURSUANT TO NJAC 5:30-15

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

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

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

WHEREAS, it is recommended that the Township transfer \$201,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$201,000.00 of unexpended 2023 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION #2024-106

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE DONATION OF 100 COVID TEST KITS TO BE USED FOR MARLBORO TOWNSHIP

WHEREAS, the Monmouth County Health Department has donated 100 COVID test kits to the Township of Marlboro; and

WHEREAS, the donated items will be used for the purposes of providing COVID test kits for use by employees of Marlboro Township; and

WHEREAS, the Office of Emergency Management recommends that the Township accept the donation; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director
- c. Township Chief Financial Officer

RESOLUTION #2024-107

AUTHORIZING THE AWARD OF CONTRACT FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF THE TOWNSHIP OWNED AQUATIC CENTER

WHEREAS, the Township of Marlboro owns an Aquatic Center located at 134 Vanderburg Road, Marlboro, NJ 07746, consisting of a fenced-in pool facility and concession stand; and

WHEREAS, on February 28, 2024 the Township of Marlboro advertised for receipt of proposals pursuant to N.J.S.A. 40A:11-4.1(b(2)) ("Competitive contracting proposal solicitation" or "RFP") for the OPERATION, MANAGEMENT AND MAINTENANCE OF THE TOWNSHIP OWNED AQUATIC CENTER; and

WHEREAS, on March 19, 2024 the Township received three (3) proposals for the provision of OPERATION, MANAGEMENT AND MAINTENANCE OF THE TOWNSHIP OWNED AQUATIC CENTER; and

WHEREAS, the Township Evaluation Committee, consisting of representatives from the Departments of Administration and Recreation have reviewed the proposals; and

WHEREAS, Camp Coconuts, whose address is 205 Harmony Road, Middletown, NJ 07748 proposed the operation of the Aquatic Center as a summer day camp, and confirmed its acceptance of all of the terms and conditions of the RFP, including its intention to make the required improvements to the Aquatic Center at its cost, with payments to be made to the Township as follows:

2024 Season - \$0
2025 Season - \$30,000.00
2026 Season - \$35,000.00
2027 Season - \$40,000.00
2028 Season - \$45,000.00

; and

WHEREAS, Camp Coconuts has accepted the terms and conditions of the Township's RFP, including offering a 15% discount to all Marlboro residents in its summer day camp program, and has acknowledged that use of the surrounding fields or courts are to be separately applied for and permitted through the Department of Recreation in accordance with Chapter 265 of the Code of the Township of Marlboro; and

WHEREAS, the other two other responses received included exception to some of the terms and conditions, and proposed that the Township pay an annual fee in exchange for the operation, management and maintenance of the Aquatic Center facility; and

WHEREAS, in a memo dated March 20, 2024, the Evaluation Committee recommended the award of contract to Camp Coconuts, whose address is 205 Harmony Road, Middletown, NJ 07748, to provide for

the OPERATION, MANAGEMENT AND MAINTENANCE OF THE TOWNSHIP OWNED AQUATIC CENTER for a period of five (5) years, from April 1, 2024 through March 31, 2029, with the option to renew for an additional five (5) years at the sole option of the Township, subject to the approval of New Jersey Green Acres; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Evaluation Committee, and to award contracts 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 for the OPERATION, MANAGEMENT AND MAINTENANCE OF THE TOWNSHIP OWNED AQUATIC CENTER, for a term of five (5) year beginning on April 1, 2024 and ending March 31, 2029, to Camp Coconuts, whose address is 205 Harmony Road, Middletown, NJ 07748, in accordance with the RFP and the proposal dated March 19, 2024.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness the contract with Camp Coconuts, whose address is 205 Harmony Road, Middletown, NJ 07748 as herein described, 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. Camp Coconuts
- b. Township Administrator
- c. Township Recreation Director
- d. Township Chief Financial Officer

RESOLUTION #2024-108

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE
PROVISION OF EVENT EQUIPMENT RENTAL SERVICES FOR THE
TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro authorized for the acceptance of bids for the PROVISION OF EVENT EQUIPMENT RENTAL SERVICES (Bid 2024-07), and on March 6, 2024, received one (1) proposal as follows:

Party Perfect Rentals, LLC
312 Squankum Yellowbrook Rd.
Farmingdale NJ 07727

| | |
|---|-------------|
| TOTAL OF WATER EQUIPMENT RENTALS ITEMS W1 – W15 | \$11,875.00 |
| TOTAL OF WET/DRY EQUIPMENT RENTALS ITEMS WD1 – WD-3 | \$1,625.00 |

| | |
|---|--------------------|
| TOTAL OF NON-WATER EQUIPMENT RENTALS ITEMS NW1 – NW34 | \$30,025.00 |
| TOTAL OF TENT RENTALS ITEMS T1 – T44 | \$43,855.00 |
| TOTAL OF CHAIR RENTALS ITEMS TC-1 - TC-16 | \$597.00 |
| TOTAL OF LINEN RENTALS ITEMS L1 – L6 | \$112.50 |
| TOTAL OF FOOD & MATERIALS RENTALS ITEMS F1 – F-2 | \$2,200.00 |
| TOTAL OF STAGING & FLOORING RENTALS ITEMS S1 – S11 | \$420.00 |
| TOTAL OF VIDEO & AUDIO RENTALS ITEMS A1 - A10 | \$5,375.00 |
| TOTAL OF MISC. RENTALS ITEMS M1 – M7 | \$902.00 |
| TOTAL | \$96,986.50 |

; and

WHEREAS, in a memo dated March 12, 2024, the Director of Recreation has reported that Party Perfect Rentals, L.L.C., whose address is 312 Squankum Yellowbrook Road, Farmingdale, NJ 07727, is responsive and has recommended that a contract be awarded for the PROVISION OF EVENT EQUIPMENT RENTAL SERVICES; 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 Party Perfect Rentals, L.L.C., whose address is 312 Squankum Yellowbrook Road, Farmingdale, NJ 07727 in an amount not to exceed \$96,986.50 for the PROVISION OF EVENT EQUIPMENT RENTAL SERVICES, for a term of one year ending on March 31, 2025, with an option to renew for one two-year or two one-year extension as specified in the bid specifications, at the sole discretion of the Township.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Party Perfect Rentals, L.L.C., whose address is 312 Squankum Yellowbrook Road, Farmingdale, NJ 07727 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 funds in the amount of \$39,000.00 for the aforesaid contract in Current Fund Accounts 01-201-28-145-215496 & 01-201-25-106-215651, and Recreation Utility Accounts 09-201-55-400-215458, 09-201-55-400-215441, 09-201-55-400-215440, 09-201-55-00-215452 & 09-201-55-400-215480.

BE IT FURTHER RESOLVED, that funds for the remaining portion of the contract, subject to available budget appropriations, will be certified at the time of order.

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

- a. Party Perfect Rentals, L.L.C.
- b. Business Administrator
- c. Director of Recreation
- d. Chief Financial Officer

RESOLUTION #2024-109

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$153,506.26 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 \$153,506.26 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> |
|----------------|------------------|---|---------------|
| 2023-051 | 421.04/22 | Changsheng Lu 628 N Butrick Street Waukegan, IL 60085 | 2,550.29 |
| 2023-026 | 225/78 | Changsheng Lu 628 N Butrick Street Waukegan, IL 60085 | 2,786.78 |
| 2020-028 | 189/8 | ATCF II NJ LLC PO Box 54972 New Orleans, LA 70154 | 140,095.07 |

| | | | |
|----------|-----------|---|----------|
| 2023-042 | 371/67 | Changsheng Lu 628 N Butrick Street Waukegan, IL 60085 | 2,407.81 |
| 2023-027 | 268/49.02 | Changsheng Lu 628 N Butrick Street Waukegan, IL 60085 | 3,064.34 |
| 2023-035 | 299/40 | Changsheng Lu 628 N Butrick Street Waukegan, IL 60085 | 2,601.97 |

RESOLUTION #2024-110

REFUND OF TAX OVERPAYMENTS

WHEREAS, the attached list in the amount of \$2,720.96 known as Schedule "A", is comprised of amounts representing overpayments for taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A".

SCHEDULE A

| BLOCK/LOT | PROPERTY INFORMATION | AMOUNT |
|------------------|-----------------------------|-------------------|
| 150/2.01 | Route 79 | \$ 654.86 |
| 420/24 | 40 Moore Road | \$ 119.20 |
| 127/17 | 32 Lloyd Road | \$1,946.90 |
| | | \$2,720.96 |

RESOLUTION #2024-111

AUTHORIZING REFUND OF PAYMENTS TO WMUA

WHEREAS, delinquent sewer charges totaling \$126.86 were paid to the Township on behalf of Western Monmouth Utilities Authority as per Schedule "A".

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$126.86 be refunded to Western Monmouth Utilities Authority.

Schedule A

| BLOCK | LOT | QUALIFIER | PROPERTY LOCATION | AMOUNT |
|--------------|------------|------------------|--------------------------|---------------|
| 371 | 67 | | 52 Homestead Circle | \$126.86 |

Total Refunded to WMUA **\$126.86**

At 8:33 p.m., Council Vice President Milman moved that the meeting be adjourned. This was seconded by Councilwoman Virdi, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: APRIL 18, 2024

OFFERED BY: MILMAN

AYES: 4

SECONDED BY: QAZI

NAYS: 0

ABSTAIN: SCALEA

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
041824

ANTOINETTE M. DINUZZO,
COUNCIL PRESIDENT