

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 21, 2020

The Marlboro Township Council held its regularly scheduled meeting remotely on May 21, 2020 at 7:00 P.M.

Council President Mazzola opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 7, 2020; published in the Asbury Park Press on January 9, 2020; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

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

Council President Mazzola moved that the minutes of April 23, 2020 be approved. This was seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Abstain: Cantor, Metzger).

Councilman Scalea moved that the minutes of May 1, 2020 be approved. This was seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Abstain: Metzger).

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Cantor, seconded by Council President Mazzola, and passed on a roll call vote of 5 - 0 in favor: Res. #2020-150 (Amending Water Engineering Services Agreement (13-500-5, 19-500-5 and 20-500-2),

Res. #2020-151 (Authorizing Award of Bid - Harbor Road Wastewater Pump Station (19-500-1), Res. #2020-152 (Authorizing Internet-based Reverse Auctions for Sale of Solar Renewable Energy Credits (S-RECS) and the Award of Bid), Res. #2020-153 (Authorizing Award of Bid - 2019 Road Improvement Program II (19-060-4,5), Res. #2020-154 (Authorizing Application 2021 NJDOT Municipal Aid Program), Res. #2020-155 (Authorizing Self-Examination - 2020 Municipal Budget), Res. #2020-156 (Authorizing Memorandum of Agreement FOP Lodge 15 (Sergeants and Lieutenants), Res. #2020-157 (Confirming Agreement for Supply of Electricity), Res. #2020-158 (Authorizing 2021-23 Agreement Monmouth County for Cooperative Participation in CBDG Program), Res. #2020-159 (Authorizing Execution of Affordable Housing Developer's Agreement with Community Investment Strategies, Inc.), Res. #2020-160 (Approving a Financing Agreement with Community Investment Strategies, Inc.), Res. #2020-161 (Authorizing Renewal of Shared Services Agreement Marlboro BOE - Janitorial Services), Res. #2020-162 (Amending Shared Services Agreement Marlboro BOE - School Security Officers (SSOs) - K-8 Schools), Res. #2020-163 (Amending Shared Services Agreement Marlboro BOE - School Resource Officers (SROs) - K-8 Schools), Res. #2020-164 (Amending Shared Services Agreement FRHSD - School Security Officers (SSOs) Marlboro High School), Res. #2020-165 (Amending Shared Services Agreement FRHSD - School Resource Officers (SROs) Marlboro High School), Res. #2020-166 (Authorizing Shared Services Agreement with Colts Neck - Use of Firearms Range), Res. #2020-167 (Authorizing Shared Services Agreement with Colts Neck - Use of Decontamination Facility), Res. #2020-168 (Authorizing State Contract for Microsoft Server and Client Software (20-033-2), Res. #2020-169 (Refund for Tax Overpayment).

RESOLUTION #2020-150

A RESOLUTION AUTHORIZING AN AMENDMENT TO A
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL
ENGINEERING SERVICES IN CONNECTION WITH VARIOUS WATER
UTILITY SYSTEM IMPROVEMENTS

WHEREAS, the Township of Marlboro authorized various Water Utility System capital improvements including 2013-500-5 (GIS Plan of Water System), 2017-500-36 and 2019-500-5 (Lloyd Road & Rt. 34 Line Replacement) and 2020-500-2 (Water Quality Accountability Act (WQAA) Miscellaneous Valve Replacement) ("Projects"); and

WHEREAS, the Township is in need of professional engineering services in connection with the Projects ("Professional Services"); and

WHEREAS, CME Associates has a provided proposals dated March 12, March 24 and May 15, 2020 (the "Proposals") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined herein above) for the Projects by way of its Township Engineers at a fee not to exceed \$62,884.00 for such Professional Services, as further described and set forth in CME's Proposals, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$62,884.00 are available in Water Capital Accounts 06-215-11-03A-500288, 06-215-17-03B-500288 and 06-215-20-06B-500288 for this purpose; and

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional

Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include Professional Services in connection with various Water Utility system improvements by way of its Township Engineers, at a fee not to exceed \$62,884.00 for such Professional Services, as further described and set forth in CME's Proposals dated March 12, March 24 and May 15, 2020, be and is hereby authorized.

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$62,884.00 for such additional Professional Services for the Project as described in the Proposals.

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

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

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

RESOLUTION # 2020-151

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO UNDERGROUND UTILITIES CORP. FOR THE HARBOR ROAD WASTEWATER PUMP STATION PROJECT

WHEREAS, the Township of Marlboro as part of its 2019 capital program (500-1) authorized the Harbor Road WTP Force Main and Pump Station improvement project; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the HARBOR ROAD WASTEWATER PUMP STATION PROJECT, and on April 7, 2020, received six (6) bids, as follows:

#	BIDDER	ADDRESS	BASE BID (Items 1-42)
1	B&H Contracting, Inc.	1022 Black Horse Pike Folsom, NJ 08037	\$1,048,600.00
2	Coppola Services, Inc.	28 Executive Parkway Ringwood, NJ 07456	\$849,890.00
3	Crown Pipeline Construction	3345 Delsea Drive Franklinville, NJ 08322	\$1,130,647.00
4	DeMaio Electrical Company	PO Box 5907 Hillsborough, NJ 08844	\$1,002,876.00
5	Grade Construction	110 Pennsylvania Ave Paterson, NJ 07503	\$1,563,476.55
6	Underground Utilities Corp	711 Commerce Road Linden, NJ 07036	\$758,394.00

; and

WHEREAS, based upon the available budget and funding available, the Township is in the position to award the base bid; and

WHEREAS, it has been determined that the submission of the lowest bidder for the base bid, Underground Utilities Corp. is responsive as detailed in an April 24, 2020 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid 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 Underground Utilities Corp., 711 Commerce Road, Linden, NJ 07036 in an amount not to exceed \$758,394.00 for the HARBOR ROAD WASTEWATER PUMP STATION PROJECT.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Underground Utilities Corp. in an amount not to exceed \$758,394.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$758,394.00 are available for the aforesaid contract in Water Utility capital accounts 06-215-14-06A-500288 and 06-215-19-02E-500288.

BE IT FURTHER RESOLVED that a certified copy of this

Resolution shall be provided to each of the following:

- a. Underground Utilities Corp.
- b. Business Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION #2020-152

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY
E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE ENGAGEMENT OF AN
ON-LINE PURCHASING AGENT AND AUTHORIZING INTERNET-BASED AUCTIONS
AND EXECUTION OF AGREEMENTS FOR THE SALE OF SOLAR RENEWABLE
ENERGY CREDITS

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had a contract for the sale of solar renewable energy credits (S-RECs) which expired on May 31, 2011; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including S-RECs; and

WHEREAS, the Township has previously solicited proposals from three of the vendors authorized by the State of New Jersey to conduct internet-based auctions of S-RECs; and

WHEREAS, since 2012, the Township Council authorized the engagement of Marex Spectron, an on-line purchasing agent authorized by the State of New Jersey to conduct internet-based auctions for the sale of S-RECs generated or anticipated to be generated, at a reasonable sum of \$3.00 per S-REC; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line auction services for the sale of S-RECs; and

WHEREAS, the Department of Public Works, Water Utility Division has recommended the selection of Marex Spectron to serve as Marlboro Township's on-line purchasing agent in accordance with its proposal.

WHEREAS, the Department of Public Works, Water Utility Division routinely monitors market conditions and advises that a sale of SRECs to be generated between June 1, 2021 and May 31, 2022 may be beneficial at this time.

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

Section 1. The participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform.

Section 2. The Township is hereby authorized to enter into an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as an on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's planned sale of S-RECs.

Section 3. The engagement of Marex Spectron, shall be effected through the execution of an Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30).

BE IT FURTHER RESOLVED that

Section 1. The Mayor, or his designee, is hereby authorized to conduct internet-based auctions through Marex Spectron for the sale of up to the estimated 900 S-RECs to be generated between June 1, 2021 and May 31, 2022; and

Section 2. Funds in the amount of \$2,700.00 have been certified by the Chief Financial Officer in Water Utility Operating account # 05-201-55-500-268030; and

Section 3. The Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney, with the responsible bidder(s) which offer(s) the highest per credit price offering resulting from the aforementioned internet-based auction for the

sale of S-RECs, provided the bid accepted offers a per S-REC price equal to or higher than \$215.00; and

Section 4. The Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

Section 5. A certified true copy of this Resolution shall be provided to each of the following:

- A. Marlboro Township Administrator
- B. Marlboro Township Chief Financial Officer
- C. Marlboro Township Director of Public Works
- D. Marex Spectron
- E. NJ Division of Local Government Services

RESOLUTION # 2020-153

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CCM CONTRACTING, INC. FOR THE 2019 ROAD IMPROVEMENT PROGRAM - CONTRACT II

WHEREAS, the Township of Marlboro as part of its 2019 capital program authorized Improvements to Texas Road - Phase IV (060-4) and Improvements to Greenwood Road - Phase II (060-5); and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2019 ROAD IMPROVEMENT PROGRAM - CONTRACT II, and on April 28, 2020, received ten (10) bids, as follows:

CONTRACTOR	BASE BID	BID		TOTAL
		BID ALTERNATE		
		TEXAS ROAD/GREENWOOD ROAD/TICETOWN ROAD	DAWES DRIVE	
1 CCM CONTRACTING INC. 336 Route 22 Green Brook, NJ 08812	\$1,248,815.50	\$57,550.00		\$1,306,365.50
2 MECO, INC. PO Box 536 Clarksburg, NJ 08510	\$1,262,155.00	\$54,254.20		\$1,316,409.20
3 EARLE ASPHALT COMPANY PO Box 556	\$1,305,913.13	\$60,800.00		\$1,366,713.13

Farmingdale, NJ 07727

4	P & A CONSTRUCTION, INC. PO Box 28 Colonia, NJ 07067	\$1,314,016.80	\$59,397.50	\$1,373,414. ^^
5	JADS CONSTRUCTION PO Box 513 South River, NJ 08882	\$1,387,725.00	\$66,105.00	\$1,453,830. ^^
6	LUCAS CONSTRUCTION GROUP PO Box 8939 Red Bank, NJ 07701	\$1,408,364.00	\$61,600.00	\$1,469,964. ^^
7	LUCAS BROTHERS, INC. 80 Amboy Road Morganville, NJ 07751	\$1,422,422.00	\$69,870.00	\$1,492,292. ^^
8	BLACK ROCK ENTERPRISES, LLC 1316 Englishtown Road Old Bridge, NJ 08857	\$1,529,859.50	\$69,700.00	\$1,599,559. ^^
9	S. BROTHERS, INC. 16 Sobechko Road Manalapan, NJ 07726	\$1,554,888.00	\$78,960.00	\$1,633,848. ^^
10	STAVOLA CONTRACTING CO., INC. 175 Drift Road Tinton Falls, NJ 07724	\$1,775,185.75	\$79,539.34	\$1,854,725. ^^

; and

WHEREAS, based upon the available budget and funding available, the Township is in the position to award the base bid plus bid alternate A; and

WHEREAS, it has been determined that the submission of the lowest bidder for the base bid and alternate A, CCM Contracting, Inc. is responsive as detailed in an May 7, 2020 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid 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 CCM Contracting, Inc. whose address is, 336 Route 22 Green Brook, NJ 08812 in an amount not to exceed \$1,306,365.50 for the 2019 ROAD IMPROVEMENT PROGRAM - CONTRACT II.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with CCM Contracting, Inc. in an amount not to exceed \$1,306,365.50.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$1,306,365.50 are available for the aforesaid contract in Capital Accounts 04-215-19-01D-060288 and 04-215-19-07A-060288.

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

- a. CCM Contracting, Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2020-154

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

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Improvements to Union Hill Road-00094 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION 2020-155

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 2020 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 #2020-156

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND FOP LODGE 15 (SERGEANTS AND LIEUTENANTS)

WHEREAS, the Township and Fraternal Order of Police Lodge 15 Sergeants and Lieutenants ("FOP") are parties to a collective bargaining agreement that expired on December 31, 2019; and

WHEREAS, the Township and FOP engaged in negotiations for a successor collective bargaining agreement to cover employees in the FOP; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2019, for an extended term of January 1, 2020 through December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and FOP, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expired on December 31, 2019; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

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

- a. FOP (SERGEANTS AND LIEUTENANTS) LODGE 15
- b. Business Administrator
- c. Chief Financial Officer
- d. Chief of Police

RESOLUTION #2020-157

RESOLUTION CONFIRMING AGREEMENT WITH CONSTELLATION NEW ENERGY, INC. FOR THE SUPPLY OF ELECTRICITY

WHEREAS, on April 20, 2017 (R. 2017-144) the Township Council authorized the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provision of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30), authorized the hiring and engagement of an on-line purchasing agent to conduct internet-based reverse auctions (EnerConnex, LLC, 17 Sherwood Drive, Mountain Lakes, NJ 07046, formerly EnerNOC, Inc. and World Energy Solutions, Inc.), and the execution of agreements for the purchase of electric power supplies; and

WHEREAS, in May, 2020 as part of its pre-bid qualification process in pursuit of a new electricity supply contract, the Township received submissions from five (5) suppliers as follows:

Constellation New Energy
Talen Energy
Direct Energy
MidAmerican Energy
Reliant Energy

WHEREAS, on May 14, 2020, an internet-based reverse auction was held for the Township and Marlboro Board of Education

electricity supply accounts for each of 12, 24, 36 and 48 month terms; and

WHEREAS, the following final fixed price bids were received for a fixed price contract (\$/kwh):

Supplier	12	24	36	48
MidAmerican	\$0.07411	\$0.07200	\$0.07130	\$0.07075
Reliant	\$0.07058	\$0.07015	\$0.06920	\$0.06892
Talen	\$0.07310	\$0.07334	\$0.07249	\$0.07191

;and

WHEREAS, the following final fixed price bids (with additional pass-through components) were received for a fixed price contract (\$/kwh):

Supplier	12	24	36	48
MidAmerican	\$0.04970	\$0.05024	\$0.04994	\$0.04961
Reliant	\$0.05500	\$0.05400	\$0.05300	\$0.05250
Talen	\$0.05275	\$0.05286	\$0.05241	\$0.05202
Constellation	\$0.04720	\$0.04709	\$0.04661	\$0.04619

;and

WHEREAS, Reliant Energy was the low bidder for the fixed price contracts (all terms); and

WHEREAS, Constellation New Energy, Inc. was the low bidder for the fixed price contracts with additional pass-through components (all terms); and

WHEREAS, based upon the rates bid, market conditions, Jersey Central Power and Light's approved rates and history of increases and pending solar projects, in consultation with the analysts at EnerConnex, it was determined that the following were the most favorable courses of action:

- (1) Locking in a fixed supply rate with additional pass-through components
- (2) Locking in rates for a 36 month term

WHEREAS, pursuant to NJSA 40A:11-15(20), contracts may be awarded for a period in excess of 24 consecutive months of time for the supply of goods or services for the purpose of lighting public streets for a term not to exceed five (5) years; and

WHEREAS, in order to secure the low bid pricing which expired at the close of business on the date of auction, May 14, 2020, the Business Administrator executed an agreement with Constellation New Energy, Inc. for a fixed price electricity supply contract with additional pass through components for a 36 month term; and

WHEREAS, the Township Council supports the cooperative purchasing effort with the Board of Education to achieve the lowest possible electricity supply costs, and wishes to confirm the low bid pricing for the supply of electricity for a 36 month term.

NOW THEREFORE BE IT RESOLVED that the Municipal Council hereby confirms agreements for the purchase of electricity from Constellation New Energy, Inc. at a price of \$.04661/kwh for all electricity supply accounts, for a term of 36 months.

RESOLUTION # 2020-158

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE THE 2021-23 AGREEMENT WITH MONMOUTH COUNTY FOR
COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM
PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, an Agreement has been adopted under which the Township of Marlboro and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Township of Marlboro to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Township of Marlboro, that the amendment to the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT

ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

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

Laura Kirby, Director
Community Development Office
Hall of Records Annex
One East Main Street
Freehold, NJ 07728

RESOLUTION #2020-159

RESOLUTION AUTHORIZING THE EXECUTION OF AN AFFORDABLE HOUSING DEVELOPER'S AGREEMENT BY AND BETWEEN COMMUNITY INVESTMENT STRATEGIES, INC. ("CIS") AND THE TOWNSHIP OF MARLBORO FOR THE CONSTRUCTION OF AFFORDABLE HOUSING

WHEREAS, the Township of Marlboro (the "Township") has a court ordered obligation under the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) to create a realistic opportunity for the provision of low- and moderate-income housing; and

WHEREAS, CIS is an affordable housing developer that has a reputation for successfully developing, owning and managing affordable housing projects in the State of New Jersey; and

WHEREAS, CIS and the Township each possess certain necessary skills and resources, and it is in the mutual interest of the parties to jointly participate in implementing the development of a municipally sponsored 100% affordable housing development; and

WHEREAS, the Township has acquired real property located within the Township identified as Block 149, Lot 16 and Block 148, Lot 31 on the tax maps of the Township (hereinafter referred to as the "Property"); and

WHEREAS, the Township and CIS desire that the affordable housing development shall consist of a non-age restricted

affordable family rental community consisting of approximately 154 units (such units being hereinafter referred to as the "Affordable Rental Units") (including two unrestricted units for superintendents) consistent with the Court Ordered Affordable Housing Plan and Housing Element of the Master Plan adopted by the Planning Board, located on the Property (hereinafter referred to as the "Project"); and

WHEREAS, the Parties previously entered into a Memorandum of Understanding, dated July 20, 2016 (the "MOU") with respect to certain aspects of the development of the Project and desire to enter into this Agreement to more particularly set forth their respective rights and obligations with respect to the ownership, financing, construction, operation, management and development of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute an Affordable Housing Developer's Agreement with Community Investment Strategies, Inc. for the purpose of providing affordable housing in the Township of Marlboro, in a form to be approved by the Township Attorney.

RESOLUTION #2020-160

A RESOLUTION APPROVING A FINANCING AGREEMENT WITH COMMUNITY INVESTMENT STRATEGIES, INC

WHEREAS, Community Investment Strategies, Inc. (hereinafter referred to as the "Sponsor") proposes to construct a ±154 unit affordable housing project including one unrestricted superintendent in order to satisfy the Township of Marlboro's Court Ordered Affordable Housing Obligation (hereinafter referred to as the "Project") and pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the Township of Marlboro (hereinafter referred to as the "Township") on a site described as Block 149, Lot 16 and Block 148, Lot 31 as shown on the Official Assessment Map of the Township of Marlboro, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency

(hereinafter referred to as the "Agency"); and

WHEREAS, the Project may or will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and the New Jersey Housing and Mortgage Finance Agency, New Jersey Housing and Mortgage Finance Agency Special Needs Housing Trust Program; or other applicable programs, and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; and

WHEREAS, pursuant to the HMFA Requirements, the Township Council of the Township of Marlboro hereby determines that there is a need for this housing project in the Township; and

WHEREAS, the Sponsor has presented to the Township Council a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

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

- (1) The Township Council finds and determines that the proposed Project will meet or meets an existing housing need as determined by an Order of the Superior Court; and,
- (2) The Township Council does hereby adopt this Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Township Council does hereby adopt this Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project,

including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the Township in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and

- (4) The Township Council hereby authorizes and directs the Mayor and the Township Clerk to execute, on behalf of the Township, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Township Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the Township shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Township.

RESOLUTION #2020-161

A RESOLUTION AUTHORIZING YEAR 3 OF SHARED SERVICES
AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO
PROVIDE JANITORIAL SERVICES FOR THE MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, on June 14, 2018 (R.2018-209) the Township Council of the Township of Marlboro authorized a shared services agreement with the Marlboro Board of Education for the provision of JANITORIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the shared services agreement included the option to renew said contract for two additional one-year periods on the same terms and conditions as specified in the agreement; and

WHEREAS, on June 13, 2019 (R.2019-206) the Township Council of the Township of Marlboro approved the first one-year extension of the contracts; and

WHEREAS, in a memo dated May 8, 2020, the Director of Public Works has recommended that the Township approve a 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, that year 3 of the shared services agreement be authorized with Marlboro Board of Education for a period of one year beginning on July 1, 2020 through June 30, 2021, in a total amount not to exceed \$95,683.19.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Marlboro Board of Education in accordance with this resolution, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$47,841.60 have been certified by the Chief Financial Officer from account #01-201-26-122-288126.

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

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

- a. Marlboro Board of Education
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2020-162

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY REAUTHORIZING A SHARED SERVICES AGREEMENT WITH MARLBORO BOARD OF EDUCATION TO PROVIDE FOR SCHOOL SECURITY OFFICERS (SSOs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are committed to providing for the safety of Marlboro's youth while they attend school; and

WHEREAS, a Law was enacted during the 2014-15 session of the New Jersey State Legislature establishing a new class of Special Law Enforcement Officers (Class III) specifically to provide for security in schools under the direction of the local police agency (NJS C.40A:14-146.8 et seq.); and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to

effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

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

WHEREAS, in May 16, 2019, the Township and MTBOE (R. 2019-187) entered into a shared services agreement to provide for Class III Special Law Enforcement Officers in the Marlboro Township K-8 Schools for the 2019/2020 school year; and

WHEREAS, the Township and the MTBOE wish to reauthorize the agreement to continue the School Security Officer program for the 2020/2021 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the School Security Officer program in the Marlboro K-8 Schools and endorses this partnership between the Township and the MTBOE.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement providing for the reauthorization of the School Security Officer program for the 2020/2021 school year.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2020-163

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING THE SHARED SERVICES AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

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

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

WHEREAS, on May 16, 2019 (R.2019-185) the Municipal Council authorized an amendment to the Shared Services Agreement to be executed with the Marlboro Board of Education extending the existing agreement to provide for School Resource Officers (SROs) for the 2019/2020 school year; and

WHEREAS, the Township and the MTBOE wish to extend the agreement to include the 2020/2021 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the SRO program in the K-8 schools and endorses this partnership between the Township and the MTBOE.

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

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

RESOLUTION #2020-164

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY REAUTHORIZING A SHARED SERVICES AGREEMENT WITH FREEHOLD REGIONAL HIGH SCHOOL DISTRICT ("FRHSD") TO PROVIDE FOR SCHOOL SECURITY OFFICERS (SSOs) IN MARLBORO HIGH SCHOOL

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are committed to providing for the safety of Marlboro's youth while they attend school; and

WHEREAS, a Law was enacted during the 2014-15 session of the New Jersey State Legislature establishing a new class of Special Law Enforcement Officers (Class III) specifically to provide for security in schools under the direction of the local police agency (NJS C.40A:14-146.8 et seq.); and

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

WHEREAS, the Township of Marlboro and Freehold Regional High School District are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, in 2019, the Township and FRHSD (R. 2019-186) entered into a shared services agreement to provide for Class III Special Law Enforcement Officers in the Marlboro High School for the 2019/2020 school year; and

WHEREAS, the Township and the FRHSD wish to reauthorize the agreement to continue the School Security Officer program for the 2020/2021 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the School Security Officer program in the Marlboro High School and endorses this partnership between the Township and the FRHSD.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement providing for the reauthorization of the School Security Officer program for the 2020/2021 school year.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2020-165

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING THE SHARED SERVICES AGREEMENT WITH THE FREEHOLD REGIONAL HIGH SCHOOL DISTRICT ("FRHSD") TO PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN MARLBORO HIGH SCHOOL

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

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

WHEREAS, the Township of Marlboro and Freehold Regional High School District are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 16, 2019 (R.2019-182) the Municipal Council authorized a Shared Services Agreement to be executed with the FRHSD to provide for School Resource Officers (SROs) for the 2019/2020 school year; and

WHEREAS, the Township and the FRHSD wish to extend the agreement to include the 2020/2021 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the SRO program in Marlboro High School and endorses this partnership between the Township and the FRHSD.

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

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

Division of Local Government Services in the Department of
Community Affairs.

RESOLUTION #2020-166

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW
JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE
TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF COLTS NECK FOR USE OF
POLICE FIREARMS TRAINING FACILITY

WHEREAS, the Township of Marlboro ("Marlboro") must qualify
officers to utilize their duty weapons at a firearms practice
range; and

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

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

WHEREAS, the Township of Colts Neck operates and maintains
a police firearms training facility at 231-A Route 34, Colts
Neck, NJ 07722; and

WHEREAS, Colts Neck has indicated that it can accommodate
Marlboro police personnel at its facility, and the Marlboro
Chief of Police has recommended that a shared services agreement
be executed; and

WHEREAS, it is in the interest of the citizens of the
Township of Marlboro for Marlboro police personnel to utilize
the Colts Neck firearms training facility; and

WHEREAS, Marlboro and Colts Neck have negotiated the terms
of a Shared Services Agreement, in a form substantial similar to
that annexed hereto as EXHIBIT A, which are incorporated into
this resolution as if set forth at length herein.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A, and in a form approved by the Township Attorney.

4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2020-167

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF COLTS NECK FOR USE OF DECONTAMINATION FACILITY

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

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

WHEREAS, the Township of Marlboro Office of Emergency Management (OEM) operates and maintains a decontamination facility at 1979 Township Drive, Marlboro, NJ 07746; and

WHEREAS, in response to a request from Colts Neck, the Marlboro OEM Coordinator has indicated that Marlboro is in a position offer the decontamination facility, and has recommended that a shared services agreement be executed with Colts Neck; and

WHEREAS, Marlboro and Colts Neck have negotiated the terms of a Shared Services Agreement, in a form substantial similar to that annexed hereto as EXHIBIT A, which are incorporated into this resolution as if set forth at length herein.

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

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

RESOLUTION #2020-168

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #89850 TO DELL
MARKETING FOR THE PURCHASE OF MICROSOFT SERVER AND CLIENT
SOFTWARE, FOR THE TOWNSHIP OF MARLBORO DIVISION OF INFORMATION
TECHNOLOGY

WHEREAS, the Township of Marlboro as part of its 2020 capital program (033-1) authorized the acquisition of software licensing for the Marlboro Division of Information Technology ("IT"); and

WHEREAS, the Township utilizes Microsoft software and services for the vast majority of its computing needs; and

WHEREAS, in order to procure this software licensing in the most cost effective and efficient manner possible, the Township has previously entered into 3-year Enterprise Agreements with Microsoft via Dell on State Contract #89850; and

WHEREAS, purchasing software in this manner provides the Township with not only outright software ownership but the ability to upgrade to the latest version of all software for the term of the agreement; and

WHEREAS, additionally, this software upgrade ability, known as "Software Assurance" in Microsoft parlance, also comes with several other benefits including planning and deployment benefits, and special access to software used by IT; and

WHEREAS, this renewal represents an opportunity for the Township to take advantage of Microsoft 365 which is a bundle of Office 365 cloud services and Windows licensing; and

WHEREAS, the Chief Information Officer has recommended, in a memo dated May 14, 2020, that the Township purchase Microsoft Server and Client Software from Dell Marketing under State Contract #89850 in an amount not to exceed \$119,935.56; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the IT Division to obtain the Microsoft Server and Client Software from Dell Marketing; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$119,935.56 from Capital Account 04-215-20-05B-033297; and

WHEREAS, the Township Council desires to approve the purchase of Microsoft Server and Client Software from Dell Marketing.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase of Microsoft Server and Client Software from Dell Marketing, One Dell Way, Round Rock, TX 78682, under State Contracts #89850 in an amount not to exceed \$119,935.56.

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

