

MARLBORO TOWNSHIP COUNCIL MEETING
December 17, 2020

The Marlboro Township Council held its regularly scheduled meeting remotely on December 17, 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 Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Lori Russo, and Municipal Clerk Susan A. Branagan by conference call.

Councilman Cantor moved that the minutes of November 12, 2020 be approved. This was seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

The following Res. #2020-298/Ordinance 2020-15 (Authorizing a Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53(m) for the Expected Deficit in the Recreation Utility Operations Related to Covid-19) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman Cantor. Council President Mazzola opened the Public Hearing on Ordinance #2020-15. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2020-298

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

ORDINANCE #2020-015

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,900,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on November 12, 2020, public hearing held on 17th day of December, 2020, be adopted on second and final reading this 17th day of December, 2020.

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

ORDINANCE #2020-015

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,900,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AS FOLLOWS:

Section 1. The Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") hereby appropriates an aggregate amount of \$1,900,000 to provide for (i) the immediate preparation, response, recovery, and restoration of public services during such time as a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to COVID-19 remains in effect, in the amount of \$0, pursuant to N.J.S.A. 40A:4-53(1) and (ii) a deficit in operations experienced by the Township during fiscal year 2020, in which a public health emergency pursuant to the

"Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$1,900,000, pursuant to N.J.S.A. 40A:4-53(m). The appropriation authorized hereby shall be in the individual and aggregate amounts set forth herein or such other amounts as certified by the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. The Township shall apply for any financial assistance that may be available to the Township from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the Township shall be utilized to offset any operating deficit.

Section 3. Upon adoption of this ordinance upon first reading by the affirmative vote of a majority of the full membership of the governing body, the Township hereby approves the application prepared by the Chief Financial Officer of the Township in the form attached hereto as Exhibit A (the "Application"), seeking the approval of the Director of a special emergency in the amount of \$1,900,000, or such other amount certified by the Director, for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m).

Section 4. Upon adoption of this ordinance upon first reading by the affirmative vote of a majority of the full membership of the governing body, the Township hereby further authorizes and directs the Chief Financial Officer of the Township to submit said Application to the Director by no later than December 1, 2020. If necessary for any reason, the Township hereby further authorizes the Chief Financial Officer of the Township to submit to the Director a written request for an extension of the December 1, 2020 deadline and to file such Application on or prior to such extended deadline granted by the Director, if any.

Section 5. A copy of this ordinance as finally adopted shall be filed with the Director.

Section 6. Except as set forth in Section 3 and Section 4 herein, this ordinance shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the Township for approval of the special emergency authorized hereby (the

"Application") and (b) the date that is 45 days (or the first business day following such 45th day, if applicable) following the date the Chief Financial Officer submits the Application to the Director of the Local Government Services.

The following Res. #2020-299/Ordinance 2020-16 (Appropriating NJDOT Design Assistance Grant - Route 79 Sidewalk Extension Project) was introduced by reference, offered by Councilman Scalea and seconded by Councilman Cantor. Council President Mazzola opened the Public Hearing on Ordinance #2020-16. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2020-299

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

ORDINANCE #2020-016

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$492,910.05 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR PRELIMINARY ENGINEERING ACTIVITIES RELATING TO THE ROUTE 79 SIDEWALK EXTENSION PROJECT IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on November 12, 2020, public hearing held on 17th day of December, 2020, be adopted on second and final reading this 17th day of December, 2020.

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

ORDINANCE #2020-016

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$492,910.05 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR PRELIMINARY ENGINEERING ACTIVITIES RELATING TO THE ROUTE 79 SIDEWALK EXTENSION PROJECT 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 \$492,910.05 grant expected to be received by the Township from the Federal Highway Administration is hereby appropriated for the purpose of providing funds for Preliminary Engineering Activities relating to the Route 79 Sidewalk Extension project, including all work and materials necessary therefor and incidental thereto.

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

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

The following Resolution #2020-300 (Setting Reorganization Meeting - January 7, 2021 - 7 p.m.) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2020-300

SETTING REORGANIZATION MEETING FOR
JANUARY 7, 2021

BE IT RESOLVED, by the Township Council of the Township of Marlboro that it will hold its annual reorganization meeting remotely on January 7, 2021 at 7 p.m. pursuant to N.J.A.C 5:39-1.4(c) and in accordance with the TOWNSHIP OF MARLBORO'S EMERGENCY REMOTE MEETING PROTOCOLS which was adopted by resolution and posted on the Township's website at <https://www.marlboro-nj.gov/township-council-agendas-and-minutes>.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor:

RESOLUTION # 2020-301

RESOLUTION AUTHORIZING 2020 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2020 Municipal Budget as follows:

CURRENT:		
Account	From	To
Engineering Salaries & Wages	\$ 4,000.00	
Planning Board Salaries & Wages	10,000.00	
Zoning Salaries & Wages	20,000.00	
Administration Salaries & Wages		\$ 18,000.00
Central Computer Salaries & Wages		10,000.00
Finance Salaries & Wages		6,000.00
	<u>\$ 34,000.00</u>	<u>\$ 34,000.00</u>

RESOLUTION # 2020-302

RESOLUTION APPOINTING DEPUTY REGISTRAR OF VITAL
STATISTICS FOR THREE YEAR TERM

BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Registrar of Vital Statistics has recommended the appointment of Kerry Gluck as Deputy Registrar of Vital Statistics, for a three year term commencing on January 1, 2021 and expiring on December 31, 2023.

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

- a. Kerry Gluck
- b. Registrar of Vital Statistics
- c. Township Administrator
- d. Township Human Resources
- e. State Registrar

RESOLUTION #2020-303

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A DISCHARGE OF A MORTGAGE DATED SEPTEMBER 9, 2002, WHICH WAS RECORDED AGAINST A RESIDENTIAL PROPERTY LOCATED AT 46C DUTCH LANE ROAD, MARLBORO, NEW JERSEY, WHICH WAS OWNED BY BRYAN ELDRIDGE AND SUSAN ELDRIDGE

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which was administered in accordance with the New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and the administrative rules of the Council on Affordable Housing; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents in The Township of Marlboro; and

WHEREAS, as a condition of the rehabilitation program residents who were offered financial assistance must have retained ownership of their units for a period of six (6) years from the date of such assistance and if they had done so, the financial assistance (which is in the form of a forgivable loan), would be discharged and forgiven; and

WHEREAS, Bryan Eldridge and Susan Eldridge took title to a certain residential premises by means of a deed dated July 18, 1987, and recorded in the Monmouth County Clerk's Office on July 22, 1987, in Deed Book 4774; Page 0341; and

WHEREAS, the address of the aforesaid property is commonly known as 46C Dutch Lane Road, Marlboro, New Jersey (hereinafter "the Property"); and

WHEREAS, Bryan Eldridge and Susan Eldridge made application for rehabilitation assistance for the Property and they were granted such assistance and repairs and/or improvements were made to the Property as a consequence of the foregoing rehabilitation program; and

WHEREAS, the purpose of the foregoing rehabilitation services and funding was to correct defects at the Premises and to bring said home up to applicable code standards; and

WHEREAS, the Township of Marlboro had financed the foregoing improvements to the Property in furtherance of the foregoing rehabilitation project; and

WHEREAS, proof and receipt of the foregoing financing and forgivable loan was evidenced by a mortgage given to the Township of Marlboro which was dated September 9, 2002, with said mortgage being recording in the Monmouth County Clerk's Office on October 2, 2002, in deed book 8150, at page 1017 (hereinafter "the Marlboro Mortgage"); and

WHEREAS, the amount secured under the Marlboro Mortgage was due and payable six (6) years from September 9, 2002, which meant the debt matured and became due on September 9, 2008, however, said amount would be forgiven if Bryan Eldridge and Susan Eldridge had continued to own and maintain the Premises beyond September 9, 2008; and

WHEREAS, Bryan Eldridge and Susan Eldridge had owned the Property in fee simple since September 9, 2002, until they had sold the Property to Michael Bitette, Jr., and, Melanie Bitette in November of 2020; and

WHEREAS, based on Bryan Eldridge and Susan Eldridge having owned and maintained the Premises beyond September 9, 2008, the conditions to justify forgiving the Marlboro Mortgage were satisfied; and

WHEREAS, Bryan Eldridge and Susan Eldridge now desire a discharge of the Marlboro Mortgage in order to complete the closing of title as to the Premises; and

WHEREAS, the Marlboro Township Town Council finds that there is good cause for the discharge of the Marlboro Mortgage based on the foregoing;

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of the Marlboro Mortgage;

BE IT FURTHER RESOLVED, that subsequent to Mayor Hornik's signature of said discharge of the Marlboro Mortgage against the

Property that the discharge will be recorded in the Monmouth County Clerk's Office.

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

- a. Township Business Administrator
- b. Keith Arcomano, Esq., as counsel to Bryan Eldridge and Susan Eldridge;
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel
- d. Affordable Housing Administrator

RESOLUTION #2020-304

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO MGL PRINTING SOLUTIONS, CENTURION PRINTING, RIDGEWOOD PRESS, CRAFTMASTER PRINTING, INC., AND URNER BARRY PUBLICATIONS, INC. FOR PRINTING-DIRECT MAILING SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro authorized the acceptance of bids for PRINTING-DIRECT MAILING SERVICES and on November 20, 2019, (R.2020-063) authorized the award of contracts to the lowest bidders as follows:

	MGL Printing Solutions	Craftmaster Printing	Ridgewood Press	Urner Barry	Centurion Printing
SEC. A: ENVELOPES	NO BID	\$9,185.00	\$7,404.00	NO BID	\$6,569.25
SEC. B: BUSINESS CARDS	NO BID	\$3,410.00	NO BID	NO BID	\$2,545.75
SEC. C: LETTERHEAD	NO BID	\$520.00	NO BID	NO BID	\$301.00
SEC. D: FORMS	\$8,610.00	\$19,087.50	\$17,233.00	\$2,820.00	\$23,901.50
SEC. E: BOOKLETS/BROCHURES	NO BID	\$7,482.00	\$1,265.50	\$5,424.50	\$8,019.00
SEC. F: POSTERS/SIGNS	NO BID	\$180.00	\$1,370.00	NO BID	NO BID
SEC. G: STICKERS	NO BID	\$2,545.00	\$2,673.00	NO BID	\$3,512.00
SEC. H: COPIES	NO BID	\$560.00	NO BID	NO BID	\$2,020.00
SEC. I: MISCELLANEOUS	\$3,978.00	\$6,806.25	\$2,794.00	\$3,060.00	\$7,203.00
SEC. J: PRINT/MAILING	NO BID	\$50.00	NO BID	\$34,020.00	NO BID
TOTAL	\$12,588.00	\$49,825.75	\$32,739.50	\$45,324.50	\$54,071.50

; and

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

Township; and

WHEREAS, the Department of Administration recommends that the Township approve a one (1) year extension 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 a contract be awarded to Centurion Printing in an amount not to exceed \$34,932.00, Craftmaster Printing, Inc. in an amount not to exceed \$11,676.25, MGL Printing Solutions in an amount not to exceed \$8,907.00, Ridgewood Press in an amount not to exceed \$9,170.50, and Urner Barry Publications, Inc. in an amount not to exceed \$34,020.00 for PRINTING-DIRECT MAILING SERVICES for the period January 1, 2021 through December 31, 2021 with an option to a one one-year period on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, that funds will be certified by the Chief Financial Officer upon adoption of the 2021 budget.

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

- a. Centurion Printing
- b. Craftmaster Printing, Inc.
- c. MGL Printing Solutions
- d. Ridgewood Press
- e. Urner Barry Publications, Inc.
- f. Business Administrator
- g. Chief Financial Officer

RESOLUTION #2020-305

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED JULY 25, 2012, AGAINST A RESIDENTIAL PROPERTY LOCATED AT 544 TIVOLI COURT, MARLBORO, NEW JERSEY, AND OWNED BY MICHELLE L. MAZERALL

WHEREAS, the Township of Marlboro currently operates and participates under the auspices of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) as to its affordable housing obligations; and

WHEREAS, the homeowner hereunder, Michelle L. Mazerall ("the Homeowner"), purchased a residence which is commonly known as 544 Tivoli Court, in the Township of Marlboro, and said home can be

more specifically identified as Lot 7, Block 176, Tax Qualifier C0544 ("the Residence"); and

WHEREAS, after acquiring the Residence, the Homeowner made application to the then administrative agent to participate in Marlboro Township's "Housing Rehabilitation Program" and said application was granted; and

WHEREAS, as part and parcel of participating in the rehabilitation program the Homeowner executed a mortgage to Marlboro Township (dated July 25, 2012) to secure a forgivable loan of \$91,518.00 with said mortgage being recorded on September 6, 2012, in the Monmouth County Clerk's Office in deed book OR-8968, at page 9065 et seq. ("the Marlboro Mortgage"); and

WHEREAS, by virtue of the foregoing, the Residence was made subject to the Marlboro Mortgage and the Uniform Housing Affordability Controls act which is codified at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Homeowner has now negotiated with Santander Bank ("the Lender") to refinance their existing first mortgage against the Residence; and

WHEREAS, as a condition of the imminent refinancing with the Lender, the Lender requires a subordination of the Marlboro Mortgage; and

WHEREAS, the Homeowner now desires to refinance and as a consequence thereof, she asks the Council of the Township of Marlboro to approve a subordination of the Marlboro Mortgage in order to facilitate her refinance application; and

WHEREAS, it has been determined that there is good cause to grant this subordination of the Marlboro Mortgage to the new loan to be made to the Homeowner by the Lender;

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED, that subsequent to the signature of the said subordination that this subordination will be recorded in the Monmouth County Clerk's Office.

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

- a. Township Business Administrator
- b. CGP&H (administrative agent)
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel

RESOLUTION #2020-306

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT
WITH LOUIS N. RAINONE, ESQ. OF RAINONE COUGHLIN
MINCHELLO, LLC FOR TOWNSHIP ATTORNEY SERVICES FOR THE
TOWNSHIP OF MARLBORO

WHEREAS, the Township entered into an agreement with LOUIS N. RAINONE, ESQ. OF RAINONE COUGHLIN MINCHELLO, LLC to provide Township Attorney services, awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5 (R.2020-13); and

WHEREAS, the contract contains a provision "For litigation matters, other special projects, including, but not limited to Affordable Housing issues, and such other matters as may be assigned to the Township Attorney by the Township's Mayor and/or Council from time to time at an hourly rate of One Hundred and Sixty Five Dollars (\$165.00) per hour for attorneys and Seventy Five Dollars (\$75.00) per hour for para-professionals and law clerks."; and

WHEREAS, the Township Attorney was authorized to handle several matters of litigation which resulted in additional work in excess of the initial contract estimate; and

WHEREAS, it is recommended that an increase of \$20,000.00 is necessary to provide for Township Attorney services through the end of 2020, requiring an amendment to the 2020 contract for a total of \$270,000.00; 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 \$20,000.00 are available for this purpose from Accounts #01-201-20-030-226202 and #01-201-20-050-226209; 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

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 and approves of an amendment to the Professional Services Contract with LOUIS N. RAINONE, ESQ. OF RAINONE COUGHLIN MINCHELLO, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract has been awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1) (a) (i); and

3. The Professional Services Contract provides for compensation at the rates set forth in the proposal dated November 26, 2019, in an additional amount not to exceed \$20,000.00; and

4. That notice of the award of this contract amendment shall be published in accordance with law; and

5. That a certified copy of this Resolution shall be provided to each of the following:

- a. RAINONE COUGHLIN MINCHELLO, LLC
- b. Township Administrator
- c. Township Chief Financial Officer

RESOLUTION #2020-307

A RESOLUTION ACKNOWLEDGING ADDITIONAL EMERGENCY CONTRACTS AND PAYMENTS FOR GOODS AND SERVICES REQUIRED IN RESPONSE TO THE COVID-19 PANDEMIC PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO TO BE CONFIRMED FOLLOWING THE CLOSE OF THE 2020 FISCAL YEAR

WHEREAS, on March 9, 2020, New Jersey Governor Phil Murphy issued Executive Order 103 concerning the outbreak of COVID-19 in the State; and

WHEREAS, on March 15, 2020, Mayor Jonathan L. Hornik declared a local emergency concerning the outbreak of COVID-19; and

WHEREAS, in response to the outbreak the Township incurred various costs to ensure the safety of staff and public and the continuity of operations; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the condition posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township Council previously confirmed payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response in the amount of \$300,542.63; and

WHEREAS, additional payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response will be made between now and the end of the calendar year, the final amounts of which cannot be determined at this time; and

WHEREAS, the Chief Financial Officer is authorized to make such additional payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response; and

WHEREAS, such additional payments will be submitted to the Township Council for confirmation after the close of the fiscal year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Chief Financial Officer is authorized to make such additional payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response.

BE IT FURTHER RESOLVED, that such additional payments will be submitted to the Township Council for confirmation after the close of the 2020 fiscal year.

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

- a. Business Administrator
- b. Chief Financial Officer

RESOLUTION # 2020-308

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN
VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON
THE PROPERTY LOCATED AT
103 BUCKLEY ROAD (BLOCK 417 LOT 13) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 103 Buckley Road (Block 417 Lot 13); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 103 Buckley Road (Block 417 Lot 13) at a total cost of \$2,344.04; and

WHEREAS, it is recommended that the amount of \$2,344.04 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 103 Buckley Road (Block 417 Lot 13) in the amount of \$2,344.04 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same

rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION #2020-309

A RESOLUTION AUTHORIZING AN AMENDMENT TO A
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR SUPPLEMENTARY
PROFESSIONAL PLANNER SERVICES

WHEREAS, the Township of Marlboro and CME Associates previously entered into a Professional Services Contract for TOWNSHIP PLANNER (Res. #2020-019); and

WHEREAS, the Township of Marlboro requires supplementary TOWNSHIP PLANNER services due to the absence of the Township Zoning Officer ("Project"); and

WHEREAS, the Township of Marlboro and CME Associates seek to amend the Professional Services Contract for TOWNSHIP PLANNER, awarded under a fair and open process, to include the supplementary Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$27,040.00 for such Professional Services; 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 additional amount of \$27,040.00 are available for this purpose in Current Account 01-201-21-071-280; and

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

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

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

be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an amendment to the Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services as described hereinabove by way of its Township Planner ("Professional Services"), at a fee not to exceed \$27,040.00 for such Professional Services, be and is hereby authorized.

BE IT FURTHER RESOLVED, that this Professional Services Contract amendment 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 \$27,040.00 for such additional Professional Services for the Projects.

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 amendment shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

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

RESOLUTION #2020-310

A RESOLUTION AUTHORIZING CONTRACT EXTENSION ON A MONTHLY BASIS TO ANCHOR STAFFING (d/b/a TELESEARCH STAFFING SOLUTIONS) FOR THE PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on September 7, 2017 (R.2017-277) the Township Council of the Township of Marlboro awarded a contract to ANCHOR STAFFING for THE PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, the Township renewed said contract for two (2) one-year extensions on the same terms and conditions; and

WHEREAS, in anticipation of the expiration of the contract on September 30, 2020, the Township advertised for the receipt of

bids on two separate occasions; and

WHEREAS, the Township received no responses in response to its bid solicitations, and is in the process of negotiating a successor contract for TEMPORARY PERSONNEL AGENCY SERVICES; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, a contract may be extended by mutual agreement of the parties to the contract when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the Superintendent of Public Works has recommended that the Township extend the current contract with ANCHOR STAFFING on a monthly basis until such time as a new contract can be awarded; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the contract be extended on a monthly basis with ANCHOR STAFFING (d/b/a TELESEARCH STAFFING SOLUTIONS) whose address is 251 Highway 206, Flanders, NJ 07836, commencing on October 1, 2020, in a total amount not to exceed \$18,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in an amount not to exceed \$18,000.00 are available for the aforesaid contract extension in Account 02-213-18-703-123000.

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

- a. ANCHOR STAFFING (d/b/a TELESEARCH STAFFING SOLUTIONS)
- b. Township Business Administrator
- c. Superintendent of Public Works
- d. Chief Financial Officer

RESOLUTION # 2020-311

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND VMG GROUP CORP. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE PARTIAL ROOF REPLACEMENT AT THE MARLBORO TOWNSHIP RECREATION CENTER

WHEREAS, by Resolution #2019-327 the Township of Marlboro authorized the award of a contract to VMG GROUP CORP. FOR THE PARTIAL ROOF REPLACEMENT AT THE MARLBORO TOWNSHIP RECREATION CENTER (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in an decrease in the original Resolution amount of \$306,000.00 to \$305,586.08, a net decrease of \$413.92; and

WHEREAS, in a letter dated December 11, 2020 the Project Architect, Fraytak Veisz Hopkins Duthie, P.C. has recommended approval of the Closeout Change Order, acceptance of the Project improvements completed in accordance with the approved plans and specifications, and issuance of final payment in the amount of \$47,827.33; and

WHEREAS, pursuant to the terms of the contract, VMG GROUP CORP has supplied a 14 month maintenance bond in an amount equal to approximately 10% of the final contract amount, or \$30,558.61; and

WHEREAS, the Township is in receipt of VMG Group's two (2) year warranty, manufacturer's warranty no. 700394386 (project no. 3648984) from Firestone, and warranty no. 1492 from Mazmet Metal Products for the Project; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements completed in accordance with the approved plans and specifications, and issuing a final payment to VMG GROUP CORP in the amount of \$47,827.33, in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with VMG GROUP CORP, be and is hereby approved, decreasing the original Resolution total of \$306,000.00 to \$305,486.08, a net decrease of \$413.92.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements, completed in accordance with the approved plans and specifications, be and are hereby accepted, and that final payment in the amount of \$47,827.33 for work completed by VMG GROUP CORP, is hereby approved.

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

- h. VMG GROUP CORP
- a. Business Administrator
- b. Fraytak Veisz Hopkins Duthie, P.C.
- c. Superintendent of Public Works
- d. Chief Financial Officer

RESOLUTION # 2020-312

RESOLUTION AMENDING AWARD OF STATE CONTRACTS AND MONMOUTH AND SOMERSET COUNTY COOPERATIVE PURCHASING PROGRAM CONTRACTS TO VARIOUS VENDORS FOR THE PURCHASE OF AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on January 16, 2020, the Township Council authorized the Department of Public Works to utilize various vendors approved under the State Cooperative Purchasing Program for the PURCHASE OF AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES (R.2020-053); and

WHEREAS, based upon the nature of vehicle and equipment maintenance and repairs throughout the year, the types and quantities of parts required from vendors may differ from what was initially authorized and anticipated; and

WHEREAS, due to the nature of 2020 vehicle and equipment maintenance and repair activity, the Department of Public Works hereby recommends the following no-cost amendments to the State contract authorization pursuant to R.2020-053, as follows:

State Contract				
Vendor	Contract Number	Amount Authorized (R. 2020-053)	Amendment	Revised Authorization
C & M Auto Parts	86059	\$15,000.00		
Service Tire Truck Center	19 – FLEET – 00708	\$20,000.00		
Route 1 Chrysler Dodge	40802	\$15,000.00	\$ (7,500.00)	\$ 7,500.00
Chemung Supply	88262	\$10,000.00		
Creston Hydraulics	40823, 89297, 88272	\$15,000.00		
A & K Equipment	88273	\$7,500.00		
Brown Hunterdon Mack	42103, 42082	\$15,000.00		
D & W Diesel	42124	\$5,400.00		

Norman's Auto Services	40174	\$3,000.00		
Quality Auto Glass	40176	\$3,000.00		
Norcia	42083, 85864, 89298	\$3,500.00		
Perth Amboy Springs	40835	\$7,500.00		
Craft Oil (Petro Choice)	81514	\$18,000.00		
Varga Transmission Center	40828	\$7,000.00		
Trius, Inc.	88269, 85856, 89249, 42108	\$30,000.00		
Sea Coast Chevrolet	40799	\$3,000.00		
Foley Equipment	85846	\$15,000.00		
Aurora Environmental	42274	\$5,500.00		
Kaldor Emergency Lighting	42123	\$15,000.00		
Praxair Distribution	83290	\$2,500.00		
HA DeHart	17 – FLEET – 00323	\$10,000.00	\$ (5,000.00)	\$ 5,000.00
W. E. Timmerman Co.	85857	\$2,500.00		
Joseph Fazzio Steel	84215	\$5,000.00		
B. J. and M. Auto	40857, 89295	\$2,500.00		
NAPA Auto Parts (F & C Auto)	42104	\$60,000.00	\$ 5,000.00	\$ 65,000.00
Mid Atlantic Truck Center	42075	\$15,000.00		
Edwards Tire	19 – FLEET – 00708	\$55,000.00		
Air Brake & Equipment	42086, 89279	\$5,000.00		
Campbell Freightliner	40814	\$5,000.00		
Freehold Ford	86005	\$15,000.00		
Storr Tractor	43038	\$10,500.00		
Groff Tractor	17 – FLEET – 00202	\$2,000.00		
Fastenal	19 - FLEET - 00678	\$0.00	\$ 7,500.00	\$ 7,500.00

; 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, funds will be certified by the Chief Financial Officer at the time of order; and

WHEREAS, the Township Council desires to approve the recommended amendment to the State Contract authorization for the purchase of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES.

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

is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors and under the State Contracts identified above.

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

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

RESOLUTION #2020-313

A RESOLUTION CORRECTING, CONFIRMING AND RATIFYING AWARD OF CONTRACT TO FREEHOLD CARTAGE, INC. AND APPROVING CHANGE ORDER FOR COMMUNITY SPRING BULK PICK-UP AND DISPOSAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on December 12, 2019 (R. 2019-367), the Township Council of the Township of Marlboro authorized the award of a contract to FREEHOLD CARTAGE, INC. for COMMUNITY SPRING BULK PICK-UP FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) to FREEHOLD CARTAGE, INC.; and

WHEREAS, in accordance with the low bid submission by FREEHOLD CARTAGE, INC., the Township entered into an agreement for services totaling \$104,893.70 plus a tipping fee allowance as per the bid specifications of \$82,000.00, calculated at 1,000 tons multiplied by the \$82.00/ton, for a total of \$186,893.70; and

WHEREAS, it has been discovered that the awarding resolution contained a typographical error, with an award amount of \$135,796.77; and

WHEREAS, 1,071.65 tons of material were collected under the COMMUNITY SPRING BULK PICK-UP program, 71.65 tons in excess of the estimate of 1,000 tons in the contract; and

WHEREAS, the Township recommends that the resolution of record be corrected and the low bid award confirmed, and the Director of Public Works has recommended a change order for 71.65 tons at the contract tipping fee of \$82.00 per ton for a total of \$5,875.30; and

WHEREAS, the Mayor and Township Council have indicated their desire to correct the resolution of record, and accept the recommendation of the Director of Public Works for a change order as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the authorization of contract award to the low bidder, FREEHOLD CARTAGE, INC. pursuant to R. 2019-367 be corrected, confirmed and ratified to reflect the total low bid price of \$186,893.70; and

BE IT FURTHER RESOLVED, that a change order to the contract with FREEHOLD CARTAGE, INC. in the amount of \$5,875.30 is hereby approved, resulting in a total 2020 contract amount of \$192,769.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Freehold Cartage, INC., in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds in the amount of \$5,875.30 have been certified by the Chief Financial Officer in account 01-201-32-170-233112.

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

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

NOTE: RESOLUTION #2020-314 was not adopted.

RESOLUTION # 2020-315

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO FERNANDES CONSTRUCTION, INC. FOR THE SINKHOLE REPAIR PROJECT AT VARIOUS LOCATIONS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2020 Capital Program (060-01) authorized the 2020 Road Improvement Program including THE SINKHOLE REPAIR PROJECT AT VARIOUS LOCATIONS; and

WHEREAS, on November 24, 2020, the Township received ten (10) bids, as summarized below and referenced in the report from the Township Engineer dated December 2, 2020; and

	Contractor	Base Bid
1	Fernandes Construction, Inc.	\$96,527.65
2	DeSantis Construction, Inc.	\$111,139.00
3	Earle Asphalt Company	\$116,913.13
4	Lucas Brothers, Inc.	\$131,725.00
5	Lucas Construction Group	\$135,400.00
6	A.B. Kurre Contracting, Inc.	\$164,605.00
7	Seacoast Construction, Inc.	\$170,596.05
8	DeFino Contracting Company	\$177,700.00
9	DCRS, LLC	\$192,810.00
10	Landtek Construction LLC DBA- United Terrain Group	\$196,775.05

; and

WHEREAS, it has been determined that the submission of the lowest bidder for the base bid, Fernandes Construction, Inc., is responsive as detailed in an December 2, 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 Fernandes Construction, Inc., whose address is 25 Stonegate Drive, Monroe, NJ 08831 in an amount not to exceed \$96,527.65 for the SINKHOLE REPAIR PROJECT AT VARIOUS LOCATIONS.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Fernandes Construction, Inc., in an amount not to exceed \$96,527.65.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$96,527.65 are available for the aforesaid contract in General Capital Account 04-215-20-05C-060288.

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

- a. Fernandes Construction, Inc.
- b. Business Administrator
- c. Director of Public Works

- d. Director of Community Development
- e. Township Engineer
- f. Chief Financial Officer

RESOLUTION # 2020-316

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE
MUNICIPAL BUILDING CHILLER REPLACEMENT FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the MUNICIPAL BUILDING CHILLER REPLACEMENT in the Township of Marlboro (2020-17); and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(a), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's cost estimates for the goods or services; and

WHEREAS, all of the bids received on December 9, 2020 were significantly in excess of the Township's cost estimate for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid received for the project titled MUNICIPAL BUILDING CHILLER REPLACEMENT for the Township of Marlboro is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a); and

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to rebid the contract for the MUNICIPAL BUILDING CHILLER REPLACEMENT for the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

RESOLUTION #2020-317

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO
FREEHOLD CARTAGE, INC. FOR COMMUNITY SPRING BULK
PICK-UP FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF
PUBLIC WORKS

WHEREAS, on December 12, 2019 (R.2019-367) the Township Council of the Township of Marlboro awarded a contract to FREEHOLD CARTAGE, INC., the low bidder for COMMUNITY SPRING BULK PICK-UP

FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, the bid specifications included the option to renew said contract for four (4) additional one (1) year periods in accordance with N.J.S.A. 40A:11-15(3) on the same terms and conditions at the exclusive option of the Township; 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 the contract with FREEHOLD CARTAGE, INC., whose address is PO BOX 5010, Freehold, NJ 07728 be renewed for a period of one year commencing on January 1, 2021 and expiring on December 31, 2021, in accordance with its low bid submission for a total amount not to exceed \$192,057.78, inclusive of and anticipating 1,000 tons of bulk waste collected at \$82.00 per ton; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with FREEHOLD CARTAGE, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that funds in the amount of \$192,057.78 will be made available and certified by the Chief Financial Officer upon adoption of the 2021 budget, as follows:

01-201-26-117-233112	\$110,057.78
01-201-32-170-233112	\$ 82,000.00

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

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

RESOLUTION # 2020-318

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE
PROVISION OF PROPERTY MAINTENANCE SERVICES FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the PROVISION OF PROPERTY MAINTENANCE SERVICES in the Township of Marlboro (2020-14); and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the provision or performance of the goods or services; and

WHEREAS, one bid was received on November 17, 2020 which is significantly in excess of the Township's budgeted cost.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid received for the project titled PROVISION OF PROPERTY MAINTENANCE SERVICES for the Township of Marlboro is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(b).

BE IT FURTHER RESOLVED that the Business Administrator is hereby authorized to rebid the contract for the PROVISION OF PROPERTY MAINTENANCE SERVICES for the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

RESOLUTION # 2020-319

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND GREENMAN-PEDERSEN, INC. FOR ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE NEW JERSEY TRANSPORTATION ALTERNATIVES PROGRAM (NJTAP) FISCAL YEAR 2018 GRANT FOR THE ROUTE 79 SIDEWALK EXTENSION PROJECT

WHEREAS, the Township was awarded a Fiscal Year 2018 Federal Highway Aid grant of \$875,000.00 for the Route 79 Sidewalk Extension Project through the New Jersey Transportation Alternatives Program (NJTAP) ("Project"); and

WHEREAS, on August 30, 2019, the Township requested additional funding for "design assistance" in order to pay for the design engineering costs associated with the Project; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) has advised the Township that it has qualified for the additional design assistance funding; and

WHEREAS, the NJDOT has solicited competitive proposals from engineering services firms through a process in accordance with "the Brooks Act" (40 U.S.C. Chapter 11) in order to establish a pool of pre-qualified vendors to be utilized by qualifying grant recipients under the program; and

WHEREAS, in a letter dated February 6, 2020, the NJDOT notified the Township of the consultant pool selected for the 2018 NJTAP funding round; and

WHEREAS, the Township is in need of professional design engineering services in connection with this Project and has been provided with a proposal by GREENMAN-PEDERSEN, INC. (GPI) dated September 2, 2020 ("Proposal"), reviewed and approved by the NJDOT, for such Professional Services; and

WHEREAS, the solicitation process conducted by the State of New Jersey in accordance with the Brooks Act satisfies the requirements of the New Jersey Local Public Contracts Law pertaining to the award of professional services, and constitutes a "Fair and Open" process in accordance with NJSA 19:44A-20.5; and

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

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

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Capital Account # 04-215-19-11A-060288; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to enter into an agreement with GPI to provide the required additional

Professional Services for the Project in accordance with its Proposal; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between the Township of Marlboro and GREENMAN-PEDERSEN, INC., with offices located at 54 Shrewsbury Avenue, Suite A, Red Bank, New Jersey 07701, at a fee not to exceed \$492,910.05 for such Professional Services, as further described and set forth in GPI's Proposal dated September 2, 2020, be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$492,910.05 for such Professional Services for the Project as described in the Proposal; and

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

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

- a. GREENMAN-PEDERSEN, INC.
- b. New Jersey Department of Transportation (c/o J.Seaman)
- c. Township Business Administrator
- d. Township Director of Community Development
- e. Township Public Works Director
- f. Township Engineer
- g. Township Chief Financial Officer

RESOLUTION # 2020-320

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MECO, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE 2019 ROAD IMPROVEMENT PROGRAM

WHEREAS, by Resolution #2019-203 the Township of Marlboro authorized the award of a contract to Mecco, Inc. for the 2019 Road Improvement Program (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$3,186,508.70 to \$3,135,208.15, a net decrease of \$51,300.55; and

WHEREAS, in correspondence dated November 19, 2020, the Township Engineer has reported that the project was completed in accordance with the approved plans and specifications, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$85,614.11; and

WHEREAS, pursuant to the terms of the contract, Mecco, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$470,281.28; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Mecco, Inc. in the amount of \$85,614.11 in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with Mecco, Inc., be and is hereby approved, decreasing the original contract total of \$3,186,508.70 to \$3,135,208.15, a net decrease of \$51,300.55.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$85,614.11 for work completed by Mecco, Inc. is hereby approved.

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

- a. Mecco, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2020-321

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE
SITE IMPROVEMENTS AT THE SITE KNOWN AS CHELSEA SQUARE, BLOCK
132, LOTS 12.01, 13 AND 14, LOCATED AT BECKETT WAY, MARLBORO NJ
07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Dan Werbler, Chelsea Commons, LLC, for the release of the Township held Performance Guarantees in the form of a Performance Surety Bond and Cash Deposit for the site improvements ("Private Improvements") on the Site known as "Chelsea Square" (the "Site"), property known as Block 132, Lots 12.01, 13, and 14, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Chelsea Commons, LLC, N/A (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated November 19, 2020, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Bond and cash deposit amounts 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 their entirety in accordance with the recommendation of the Township Engineer's report dated November 19, 2020.

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, Chelsea Commons, LLC, for the site known as Chelsea Square located on property known as Block 132, Lot 12.01, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (Bond Safeguard Insurance Company, Bond No. 5016275), in the original amount of \$2,970,831.59, and present value of \$891,249.48, shall be released in its entirety;
2. The Cash Deposit, in the original amount of \$330,092.40, and present amount of

\$99,027.72 (excludes accrued interest) shall be released in its entirety;

3. The Bond (Bond Safeguard Insurance Company, Bond No. 5016276, in the original amount of \$2,681,691.62, and present value of \$785,607.48 shall be released in its entirety; and
4. The Cash Deposit, in the original amount of \$290,965.73, and present amount of \$87,289.72 (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 fee charges to the time of the performance guarantee release, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$776,322.67, and the resolution of any valid homeowners' complaints as required by the Planning Board and/or Township; and

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

- a. Chelsea Commons, LLC
- b. Bond Safeguard Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis Rainone, Esq., Township Attorney

RESOLUTION #2020-322

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE WATER SYSTEM IMPROVEMENTS AT CHELSEA SQUARE, BLOCK 132, LOTS 12.01, 13, AND 14, LOCATED AT BECKETT WAY, MARLBORO NJ 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Dan Werbler for the release of the Township held Performance Guarantees in the form of a Bond and cash deposit for the water system improvements ("Water System Improvements") on the Site known as "Chelsea Square" (the "Site"), property known as Block 132, Lot 12.01, 13, and 14, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Chelsea Commons, 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 November 20, 2020, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Bond and cash deposit amounts 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 their entirety in accordance with the recommendation of the Township Engineer's report dated November 19, 2020.

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, Chelsea Commons, LLC, for the site known as Chelsea Square located on property known as Block 132, Lot 12.01, 13, and 14, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (Bond Safeguard Insurance Company, Bond No. 5011643), in the original amount of \$955,122.84, and present amount of \$286,536.85, shall be released in its entirety; and
2. The Cash Deposit, in the original amount of \$106,124.76, and present amount of \$31,837.43 (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 fee charges to the time of the performance guarantee release, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$132,655.95; and

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

- a. Chelsea Commons, LLC
- b. Bond Safeguard Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

- f. Louis Rainone, Esq., Township Attorney
- g. Kurt Eifert, PE, Township Water Division

RESOLUTION # 2020-323

RESOLUTION AUTHORIZING APPLICATION TO FEMA FOR FY
2020 PRE-DISASTER MITIGATION GRANT FUNDING

WHEREAS, FEMA's Pre Disaster Mitigation (PDM) program provides funds for hazard mitigation planning and projects on an annual basis; and

WHEREAS, the PDM program was set in place to reduce overall risk to people and structures, while at the same time, also reducing reliance on federal funding if an actual disaster were to occur; and

WHEREAS, a condition of the PDM program is a commitment to a local match of 25%; and

WHEREAS, the Township applied for and received a FY 2017 grant through this program in the amount of \$420,236 for the Pleasant Valley Road Streambank Stabilization project; and

WHEREAS, the Township of Marlboro wishes to apply to FEMA for pre-disaster funding for the "Streambank Stabilization Project" which will include but is not limited to the Stream Bank Stabilization to protect Pleasant Valley Road and Nolan Road in Marlboro Township; and

WHEREAS, the Engineer's estimate for the Pleasant Valley Road Streambank Stabilization Phase III project is approximately \$760,400, requiring a 25% match of \$190,100.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Marlboro Township hereby authorizes the electronic submission of a grant application to FEMA for the Pre-Disaster Mitigation Grant Program.

BE IT FURTHER RESOLVED, the Mayor and Township Clerk are hereby authorized to accept the terms of the program and execute a grant agreement on behalf of the Township of Marlboro.

RESOLUTION # 2020-324

AUTHORIZING ADJUSTMENTS AND CANCELLATION TO GRANT RECEIVABLE AND
APPROPRIATION RESERVE BALANCES

WHEREAS, the Township of Marlboro Financial Statements contain certain grant balances, and

WHEREAS, the cancellation of the grants listed is necessary to accurately represent the grant records maintained by the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

	Cancellation Amount
<u>Receivables</u>	
FY2020 Municipal Alliance Grant	\$ 15,455.40
Total	\$ 15,455.40
<u>Appropriated Reserves</u>	
FY2020 Municipal Alliance Grant	15,455.40
Total	\$ 15,455.40

RESOLUTION # 2020-325

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2021

WHEREAS, N.J.S.A. 40A:4-19 provides for temporary appropriations to be made by the governing body within the first 30 days of the beginning of the fiscal year; and

WHEREAS, appropriations are to provide for the period for the first three months of the new fiscal year; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding appropriations made for interest and debt redemption charges and capital improvement fund; and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro budget for Calendar Year 2020, excluding debt service and capital improvement fund is \$9,321,512.05; and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Water Utility budget for Calendar Year 2020, excluding debt service and capital improvement fund is \$2,208,974.18; and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Recreation and Swim Utility budget for Calendar Year 2020, excluding debt service and capital improvement fund is \$623,487.41; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following temporary appropriations are made for the first three months of Calendar Year 2021 according to the schedule attached hereto and a made a part hereof; and

BE IT FURTHER RESOLVED, that this Resolution take effect immediately, and that a copy of this Resolution be transmitted to the Business Administrator, Chief Financial Officer and Auditor.

RESOLUTION # 2020-326

CANCELLING 2020 APPROPRIATIONS

WHEREAS, appropriations exist in the 2020 Recreation and Swim Utility Operating budget that have been deemed to not be needed for the operations of 2020; and

WHEREAS, it is permissible for appropriations to be cancelled to surplus in the year budgeted.

NOW, THEREFORE, BE IT RESOLVED, that a total of \$1,270,000.00 in 2020 appropriations be hereby cancelled and credited to Recreation and Swim Utility Operating Surplus as follows:

	Cancellation Amount
Salary & Wages	\$ 610,000.00
Other Expenses	660,000.00
Total	<u>\$ 1,270,000.00</u>

RESOLUTION # 2020-327

AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES IN AN AMOUNT EQUAL TO THE SPECIAL EMERGENCY APPROPRIATION MADE FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M)

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

Section 1. An ordinance authorizing a special emergency appropriation of \$1,900,000, or such other amount certified by the Director of the Division of Local Government Services (the "Authorized Amount"), by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") for the purposes set forth in N.J.S.A. 40A:4-53(1) and/or N.J.S.A. 40A:4-53(m) has been finally adopted by the Township Council of the Township, and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Township is hereby authorized to borrow the Authorized Amount and to issue its special emergency notes (the "Notes") therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55) (the "Local Budget Law").

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the Chief Financial Officer of the Township pursuant to this resolution.

(c) The Township may finance the special emergency appropriation from surplus funds available or may borrow money in

a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for, beginning in the year after the year in which the resulting deferred charge appears in the Township's unaudited financial statement.

Section 3. The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the Chief Financial Officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year, beginning in the year after the year in which the resulting deferred charge appears in the Township's unaudited financial statement, so that all Notes and renewals shall have matured and have been paid not later than the last day of the sixth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer;

(c) The Notes shall be in the form determined by the Chief Financial Officer and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination;

(d) The Township shall apply for any financial assistance that may be available to the Township from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the Township shall be utilized to offset any operating deficit or, if applicable, to payment of the Notes issued hereunder. The amount of Notes authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 4. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination.

Section 5. The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued

interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 8. The Township hereby makes the following covenants and declarations with respect to Notes to be issued by the Chief Financial Officer of the Township on a tax-exempt basis, if any. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue Notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described herein. This Section 8 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 9. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the Township shall provide for the benefit of the holders of the Notes and the beneficial owners thereof:

(a) Not more than 270 days following the close of the fiscal year in which the Notes are issued, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

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

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;

- (13) The consummation of a merger, consolidation or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

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

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

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

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of Notes prior to their offering. Such Chief Financial Officer is hereby authorized to enter into written contracts or undertakings to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(f) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. A copy of this resolution as adopted shall be filed with the Director.

Section 11. This resolution shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the Township for approval of the special emergency being financed by the Notes (the "Application") and (b) the date that is 45 days (or the first business day following such 45th day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

RESOLUTION #2020-328

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DONATIONS TO THE MUNICIPAL ALLIANCE PROGRAM PURSUANT TO NJSA 40A:5-29

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider; and

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Municipal Alliance Donations.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2020-329

RESOLUTION AUTHORIZING THE PURCHASE OF WIRELESS SERVICES FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR THE MARLBORO TOWNSHIP OF MARLBORO UNDER STATE CONTRACT #82583

WHEREAS, the Township of Marlboro is in need of wireless service for use by certain personnel including those who require wireless voice and/or mobile data for their operational functions; and

WHEREAS, the Township of Marlboro currently utilizes Verizon Wireless for cellular telephone service; and

WHEREAS, the Township also utilizes Verizon Wireless internet access for vehicles, laptops and remote facilities, critically important for the continuity of operations during the public health emergency; 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, funds in the amount of \$111,000.00, including an additional \$15,000.00 related to operations under the public health emergency will be certified to by the Chief Financial Officer in Current Account #01-201-31-162-232 at the time the 2021 budget is adopted; and

WHEREAS, the Township Council desires to approve the purchase of said wireless services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase wireless services from CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, One Verizon Way, Basking Ridge, NJ 07920, under State Contract #82583 in an amount not to exceed \$111,000.00; and

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

- a. Township Business Administrator
- b. Chief Information Officer
- c. Chief Financial Officer

RESOLUTION # 2020-330

RESOLUTION AUTHORIZING THE PURCHASE OF VOICE OVER
IP (VOIP) AND OTHER SOFTWARE FROM SHI
INTERNATIONAL FOR THE MARLBORO TOWNSHIP IT
DEPARTMENT UNDER STATE CONTRACT #89851

WHEREAS, the Township of Marlboro authorized project 2018-033-08 in order to migrate and upgrade its legacy phone system from the current end-of-life equipment to a modern IP based and cloud hosted platform; and

WHEREAS, the authorized cloud hosted VOIP phone system will allow for greater communication flexibility and ability to survive failures and disasters; and

WHEREAS, in order to continue the project and maximize these new capabilities the Township is in need of procuring the required cloud-based VOIP hosting and software; and

WHEREAS, while SHI International has provided a State Contract quote for the required VOIP Hosting and Software, additional regulatory fees not available under state contract must be procured directly from the VOIP hosting provider, VOIP Networks; and

WHEREAS, the Township of Marlboro is also in need of additional backup software to backup additional on-premises workloads and to also backup its cloud email and data environments; and

WHEREAS, the Chief Information Officer has recommended, in a memo dated December 9, 2020 that the Township purchase the VOIP and Backup Software from SHI International under State Contract 89851 in an amount totaling \$56,571.61, and the regulatory fees from VOIP Networks in an amount not to exceed \$2,500.00; 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, funds are available and have been certified by the Chief Financial Officer in the amounts of \$44,485.51 in Current Account #01-201-31-162-232 for the VOIP hosting software and regulatory fees and \$14,586.10 in Capital Account 04-215-19-01B-033297 for the backup software; and

WHEREAS, the Township Council desires to approve the purchase of said VOIP hosting and backup software.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase VOIP hosting and backup software from SHI INTERNATIONAL CORP, 290 Davidson Ave, Somerset, NJ 08873, under State Contract #89851 in an amount not to exceed \$56,571.61; and

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

- a. Township Business Administrator
- b. Chief Information Officer
- c. Chief Financial Officer

RESOLUTION 2020-331

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

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

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

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

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

of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

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

- a. Business Administrator
- b. Chief of Police
- c. Chief Financial Officer
- d. Insurance

RESOLUTION # 2020-332

RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR THE
PURCHASE OF SYSTEM MAINTENANCE AGREEMENTS AND
LICENSING OF PROPRIETARY SOFTWARE FOR THE
DEPARTMENT OF PUBLIC SAFETY

WHEREAS, the Township of Marlboro Department of Public Safety utilizes various systems and applications in order to respond to and dispatch calls for emergency services; and

WHEREAS, the Township is in need of annual system and maintenance agreements and is responsible for licensing fees; and

WHEREAS, the system maintenance agreement services are offered by Gold Type Business Machines ("GTBM"), for the Eventide voice recording equipment, Zetron Radio and Phone Consoles, and Radio Equipment under various State contracts as follows:

SYSTEM	SC #	Price	Reference
EVENTIDE MAINTENANCE AGREEMENT	#83891	5,100.00	54873
ZETRON MAINTENANCE AGREEMENT	#83924	16,800.00	54874
RADIO MAINTENANCE CONTRACT	#83904	11,880.00	54875
INFOCOP LICENSING FEES	n/a	13,725.00	

; and

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

WHEREAS, the Division of Police utilizes INFOCOP, a proprietary software package for real-time access to local, state and federal crime, motor vehicle and other databases; and

WHEREAS, annual licensing fees are applicable for the use of the INFOCOP application but are not available to be renewed under State contract; and

WHEREAS, the Division of Police has received a quote of \$13,725.00 from GTBM for the applicable INFOCOP licensing fees; and

WHEREAS, funds in the amount of \$47,505.00 have been certified to by the Chief Financial Officer in Current Account #01-201-25-212-276212 at the time the 2021 budget is adopted; and

WHEREAS, the Chief of Police has recommended that the above referenced annual system and maintenance agreements and licensing fees are obtained through GTBM.

WHEREAS, the Township Council desires to act in accordance with the Police Chief's recommendation and approve of the annual system and maintenance agreements and licensing fees as described above.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase system maintenance agreements and licensing of proprietary software as specified above from Gold Type Business Machines ("GTBM"), 351 PATERSON AVE., EAST RUTHERFORD NJ 07073 in an amount not to exceed \$47,505.00; and

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

- a. Gold Type Business Machines
- b. Township Business Administrator
- c. Chief of Police
- d. Chief Information Officer
- e. Chief Financial Officer

RESOLUTION #2020-333

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY, AMENDING AND
RENEWING THE SHARED SERVICES AGREEMENT WITH
HOWELL TOWNSHIP FOR THE USE OF THE HOWELL
FIREARMS RANGE

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 Howell Township ("Howell") 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 Council of the Township of Marlboro authorized the execution of a shared services agreement with Howell Township on December 9, 2010 for use of the Howell Township Firearms Range; and

WHEREAS, Marlboro desires to continue the utilization of the Howell Township's Firearms Range; and

WHEREAS, representatives of Marlboro and Howell have negotiated an amended Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, funding for this agreement, in an amount not to exceed \$2,500.00 has been certified by the Chief Financial Officer under Current Fund account 01-201-25-106-288644; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro.

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.

The Mayor is hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2020-334

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATIONS FROM SAMIAN SALES TO BE USED FOR MARLBORO TOWNSHIP'S THANKSGIVING FOOD DRIVE

WHEREAS, Terry and Dale Goldberg of SAMIAN SALES COMPANY, 11 Carlton Place, Morganville, NJ have donated the following items:

10 cases green beans, 4 cases macaroni and cheese, 12 cases applesauce, 10 cases turkey gravy, 10 cases apple juice, 10 cases marshmallows, 10 cases brownie mix, 6 cases pasta, 8 cases diced pears, 10 cases instant mashed potato, 5 cases cranberry sauce, 4 cases aluminum foil pans; and

WHEREAS, the donated items will be used for the purposes of providing Thanksgiving baskets for residents of Marlboro Township; and

WHEREAS, the Recreation Department recommends that the Township accept the donations; 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 of the items listed and provided as described above is hereby accepted.

BE IT FURTHER RESOLVED, by the Township Council that the Township of Marlboro extends its thanks and appreciation for the generous donation by SAMIAN SALES to help feed those Marlboro residents in need during the holidays.

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

- a. Township Administrator
- b. Township Acting Recreation Director

c. Township Chief Financial Officer

RESOLUTION # 2020-335

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND AURORA ENVIORNMENTAL AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE REMOVAL OF EXISTING UNDERGROUND FUEL STORAGE TANK, FURNISH AND INSTALL ABOVE-GROUND FUEL STORAGE TANK AT THE TENNENT ROAD PUMP STATION FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #42274

WHEREAS, by Resolution #2019-327 the Township of Marlboro authorized the award of a contract to Aurora Environmental for the removal of existing underground fuel storage tank, furnish and install above-ground storage tank located at the Tennent Road Pump Station (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in an increase in the original Resolution amount of \$165,690.00 to \$168,433.20, a net increase of \$2,743.20; and

WHEREAS, in a letter dated November 12, 2020 the Consultant, Remington & Vernick Engineers has recommended approval of the Closeout Change Order, acceptance of the Project improvements completed in accordance with the approved plans and specifications, and issuance of final payment in the amount of \$31,344.00; and

WHEREAS, the Township is in receipt of a manufacturer's warranty from Convault for the Project; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements completed in accordance with the approved plans and specifications, and issuing a final payment to Aurora Environmental in the amount of \$31,344.00, in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with Aurora Environmental, be and is hereby approved, increasing the original Resolution total of \$165,690.00 to \$168,433.20, a net increase of \$2,743.20.

BE IT FURTHER RESOLVED, by the Township Council of the

Township of Marlboro, that the Project improvements, completed in accordance with the approved plans and specifications, be and are hereby accepted, and that final payment in the amount of \$31,344.00 for work completed by Aurora Environmental is hereby approved.

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

- a. Aurora Environmental
- b. Business Administrator
- c. Remington & Vernick Engineers
- d. Superintendent of Public Works
- e. Chief Financial Officer

RESOLUTION #2020-336

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH AND PAYMENTS TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS AND WATER WORKS SUPPLY CO., INC. FOR THE SUPPLY OF EMERGENCY WATER DISTRIBUTION PRODUCTS PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, during 2018, 2019 and 2020, the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM 1838, 1922, 2007, 2010, 2011, 2015, 2019, 2021, 2022, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the water emergencies posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Water Utility contacted its existing emergency water main repair contractor,

LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 to provide the emergency repairs related to the above mentioned emergencies in an amount of \$307,088.68; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing water distribution product supplier, WATER WORKS SUPPLY CO., INC., 660 State Highway 23 P.O. Box 306, Pompton Plains, New Jersey 07444 to provide the necessary emergency water distribution products related to the above mentioned emergencies in an amount not to exceed \$37,038.92; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$344,127.60 from various water operating and capital accounts.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contracts be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 with LUCAS CONSTRUCTION GROUP, INC. for the provision of emergency water main repairs and WATER WORKS SUPPLY CO., INC. for emergency water distribution products.

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

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

RESOLUTION # 2020-337

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND UTILITY SERVICE CO., INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE BEACON HILL WATER STORAGE TANK REHABILITATION

WHEREAS, by Resolution #2019-256 the Township of Marlboro authorized the award of a contract to Utility Service Co., Inc. for the Beacon Hill Water Storage Tank Rehabilitation (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$855,800.00 to \$756,502.25, a net decrease of \$99,297.75; and

WHEREAS, in correspondence dated November 19, 2020, the Township Engineer has reported that the project was completed in accordance with the approved plans and specifications, and has

recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$21,521.68; and

WHEREAS, pursuant to the terms of the contract, Utility Service Co., Inc. has provided a two-year maintenance bond in an amount equal to \$128,370.00; being more than 15% of the final contract amount; and

WHEREAS, the Township is in receipt of a manufacturer's warranty no. AWWA-D102 OCS #4 from THE SHERWIN-WILLIAMS COMPANY for the Project; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Utility Service Co., Inc. in the amount of \$21,521.68 in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with Utility Service Co., Inc., be and is hereby approved, decreasing the original contract total of \$855,800.00 to \$756,502.25, a net decrease of \$99,297.75.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$21,521.68 for work completed by Utility Service Co., Inc. is hereby approved.

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

- a. Utility Service Co., Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2020-338

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

WHEREAS, on March 19, 2020 (R.2020-127), the Township of Marlboro authorized the renewal of a contract with KLENZOID INC., the lowest responsible bidder, for Bid 2018-01, for the SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION, in the amount of \$18,645.00; and

WHEREAS, the Township requires a change order due to higher than originally estimated usage for the new Harbor Road Water Treatment Plant; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract with KLENZOID INC. whose address is 912 Spring Mill Ave., Conshohocken, PA 19428, be authorized in a total amount not to exceed \$3,700.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$700.00 are available in Water Utility Account #05-201-55-500-293020, and the remaining \$3,000.00 will be certified in at the time of adoption of the 2021 Water Utility budget.

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

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

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

RESOLUTION #2020-339

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$20,430.66 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 \$20,430.66 be refunded to the certificate holders as per Schedule "A",

RESOLUTION #2020-340

WHEREAS, the attached list in the amount of \$49,305.85 known as Schedule "A", is comprised of amounts representing overpayments for 2020 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",

RESOLUTION #2020-341

WHEREAS, the Tax Assessor has granted disabled veteran exemptions for the owners of the properties as per Schedule "A",

WHEREAS, pro-rated 2020 property taxes totaling \$3,209.33 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro to direct the Tax Collector to cancel \$3,209.33 for 2020 taxes.

RESOLUTION #2020-342

WHEREAS, the attached list in the amount of \$ 330.00 known as Schedule "A", is comprised of amounts representing overpayments for 2020 water charges,

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",

At 7:16 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 21, 2021

OFFERED BY: SCALEA

AYES: 4

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: METZGER

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
012121

JEFF CANTOR,
COUNCIL PRESIDENT