

MARLBORO TOWNSHIP COUNCIL MEETING

March 18, 2021

The Marlboro Township Council held its regularly scheduled meeting remotely on March 18, 2021 at 7:00 P.M.

Council President Cantor 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 March 15, 2021; published in the Asbury Park Press on January 16, 2021; 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 Municipal Clerk called the Roll.

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

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

Councilwoman Mazzola moved that the Council meeting minutes of March 4, 2021 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2021-139/Ordinance #2021-012 (Exceed Municipal Budget Appropriation Limits and to Establish a Cap Bank 2021) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman Scalea. Council President Cantor opened the Public Hearing on Ordinance #2021-012. 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 # 2021-139

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

ORDINANCE # 2021-012

CALENDAR YEAR 2021

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

which was introduced on March 4, 2021 at a public hearing remotely held on 18th March, 2021, be adopted on second and final reading this 18th day of March, 2021.

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

ORDINANCE #2021-012

CALENDAR YEAR 2021

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$789,108.53 in

excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,104,751.94, and that the CY 2021 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

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

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

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

The following Resolution #2021-140/Ordinance #2021-013 (Amending Section 138-45 "Schedule VIII: Stop Intersections" for the Installation of Four Way Stops at the Intersections of Texas Road and Greenwood Road and Texas Road and Falson Lane/Wooleytown Road) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Council President Cantor abstained.

RESOLUTION #2021-140

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

ORDINANCE #2021-013

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 45, SCHEDULE VIII
- "STOP INTERSECTIONS" OF ARTICLE XIV ENTITLED "SCHEDULES" OF
CHAPTER 138 "VEHICLES AND TRAFFIC", OF THE CODE OF THE TOWNSHIP OF
MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on March 18, 2021 at a public hearing
remotely held on 22nd April, 2021, be adopted on second and final
reading this 22nd day of April, 2021.

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

ORDINANCE #2021-013

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 45, SCHEDULE VIII
- "STOP INTERSECTIONS" OF ARTICLE XIV ENTITLED "SCHEDULES" OF
CHAPTER 138 "VEHICLES AND TRAFFIC", OF THE CODE OF THE TOWNSHIP OF
MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED, by the Township Council of the Township of
Marlboro that Section 138-45 Schedule VIII entitled "Stop
Intersections" of the Code of the Township of Marlboro shall be
amended to read as follows:

Stop Sign On	Intersection
Texas Road	Greenwood Road and Texas Road
Greenwood Road	Greenwood Road and Texas Road
Texas Road	Texas Road and Falson Lane/Wooleytown Road
Falson Lane	Texas Road and Falson Lane
Wooleytown Road	Texas Road and Wooleytown Road

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

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

RESOLUTION # 2021-141

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

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

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

CURRENT:		
Account	From	To
(2020) Snow Removal Salaries & Wages	\$ 100,000.00	
(2020) Condominium Services Act		\$ 100,000.00
	\$ 100,000.00	100,000.00

RESOLUTION #2021-142

A RESOLUTION AUTHORIZING CHANGE ORDER TO THE CONTRACT
WITH HERC RENTALS, INC. FOR THE PROVISION OF DUMP TRUCK
WITH SNOW REMOVAL EQUIPMENT RENTAL FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on August 13, 2020 (Res.#2020-227) the Township of Marlboro awarded a contract to HERC RENTALS, INC., the sole bidder for THE PROVISION OF DUMP TRUCK WITH SNOW REMOVAL EQUIPMENT RENTAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (2020-06); and

WHEREAS, HERC RENTALS, INC. has invoiced the Township for a "Domestic Security Fee", which is a \$5.00 federal tax assessed on each vehicle on a daily basis for one month; and

WHEREAS, though the federal tax was not included in the bid proposal submitted by HERC, the Township Attorney has confirmed that the Township is in fact responsible for the payment of the tax; and

WHEREAS, the total calculated amount of federal tax required for the vehicle rentals through HERC is \$840.00; and

WHEREAS, the Business Administrator has recommended a change order to the contract with HERC in the amount of \$840.00; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$840.00 from Current Fund Account #01-201-26-119-288105; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Business Administrator as set forth herein.

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 HERC RENTALS, INC. be approved in the amount of \$840.00.

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

- a. Herc Rentals, Inc.
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2021-143

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF EDISON FOR THE PROVISION OF PROCUREMENT SERVICES IN CONNECTION WITH THE ACQUISITION OF BIODEGRADABLE LEAF BAGS

WHEREAS, the Township of Edison ("Edison") employs a Qualified Purchasing Agent ("QPA"); and

WHEREAS, the Township of Edison ("Edison") purchases biodegradable leaf bags for distribution to its residents; and

WHEREAS, the Township of Marlboro ("Marlboro") requires biodegradable leaf bags for distribution to its residents; and

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

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

WHEREAS, N.J.S.A. 40A:65-4 (a)(1) further permits any local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units including services from licensed or certified professionals required by statute to be appointed; and

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

WHEREAS, the Township of Edison has offered to provide procurement services for purposes of jointly soliciting bids for the provision of biodegradable leaf bags required by both Marlboro and Edison; and

WHEREAS, Marlboro and Edison have negotiated a Shared Services Agreement, substantially similar in form to that 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, Marlboro and Edison have determined that a joint solicitation for electronic payment processing services is most advantageous for the taxpayers of both municipalities, reducing administrative costs and providing for a combined larger amount of transactions to attract a more expansive pool of bidders offering more competitive pricing.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement substantially similar in form to that which is annexed hereto as EXHIBIT A.

RESOLUTION #2021-144

A RESOLUTION AWARDING A CONTRACT TO LGB Mechanical, Inc. FOR
MUNICIPAL BUILDING CHILLER REPLACEMENT FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2021 capital program (122-117.1) authorized the replacement of various heating, ventilation and air conditioning equipment (HVAC) including the municipal building chiller; and

WHEREAS, the Township of Marlboro advertised for the acceptance of bids for MUNICIPAL BUILDING CHILLER REPLACEMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS on two (2) separate occasions, December 9, 2020 (Bid 2020-17) and February 25, 2021 (Bid 2021-03); and

WHEREAS, the Township rejected all bids on both occasions as all bids substantially exceeded the cost estimate for the project issued prior to the advertisement for bids, pursuant to N.J.S.A. 40A:11-13.2(a); and

WHEREAS, as the bids were rejected on two occasions, the Township may negotiate such contract, pursuant to N.J.S.A. 40A:11-5 (3) which may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract; and

WHEREAS, the Township entered into negotiations and obtained a best and final low price from LGB Mechanical, Inc. in the amount of \$243,225.00 inclusive of an allowance for work not specified and early completion and based upon the terms and conditions as contained in the bid specifications; and

WHEREAS, a reasonable effort was made in accordance with N.J.S.A. 40A:11-5 (3) to obtain pricing lower than the negotiated price from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit; and

WHEREAS, in a letter dated March 17, 2021, the Township Engineer has recommended the award of contract to LGB Mechanical, Inc. for

MUNICIPAL BUILDING CHILLER REPLACEMENT, in an amount not to exceed \$243,225.00; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$243,225.00 are available in Capital Account Numbers 04-215-11-02D-122288, 04-215-12-08B-122288, 04-215-13-08K-122288, 04-215-19-01I-122288, and 04-215-21-04J-122288 for MUNICIPAL BUILDING CHILLER REPLACEMENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded for MUNICIPAL BUILDING CHILLER REPLACEMENT to LGB Mechanical, Inc. whose address is 555 North Route 73, West Berlin, NJ 08091, for a total price not to exceed \$243,225.00 inclusive of an allowance for work not specified and early completion and based upon the terms and conditions as contained in the bid specifications.

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

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

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

RESOLUTION #2021-145

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE TOWNSHIP'S OPEN SPACE PRESERVATION PROGRAM

WHEREAS, the Township of Marlboro has an ongoing commitment to expand the inventory of lands that are dedicated for farmland, open space and recreation, and preserved from residential development; and

WHEREAS, the Township routinely exercises rigorous environmental due diligence in order to ensure that land acquisitions

provide the maximum benefit to Marlboro taxpayers, and remain eligible for State and County funding programs where applicable; and

WHEREAS, the Township Council approved Res.#2018-251 on August 9, 2018 authorizing the first phase of environmental due diligence on up to four (4) properties; and

WHEREAS, the Township Council approved Res.#2019-321 on November 14, 2019 authorizing the necessary additional environmental due diligence relative to several parcels; and

WHEREAS, additional environmental investigation is required in order to finalize additional acquisition opportunities (the "Project"); and

WHEREAS, CME Associates has provided proposals dated July 27, 2021 (the "Proposals") to perform the necessary additional environmental due diligence, for a not to exceed cost of \$15,350.00; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project by way of its Township Engineers at a fee not to exceed \$15,350.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$15,350.00 are available in Capital Account 04-215-11-04A-140291 for this purpose; and

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

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

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising

for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include environmental engineering services by way of its Township Engineers, at a fee not to exceed \$15,350.00 for such Professional Services, as further described and set forth in CME's Proposals dated July 27, 2020, be and is hereby authorized.

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$15,350.00 for such additional Professional Services for the Project as described in the Proposal.

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

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

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

RESOLUTION #2021-146

A RESOLUTION AUTHORIZING A FEDERAL COST SHARE REIMBURSEMENT AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR PROFESSIONAL ENGINEERING DESIGN ASSISTANCE FUNDING 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, through a process proscribed by the NJDOT, the Township collaborated with GREENMAN-PEDERSEN, INC., with offices located at 54 Shrewsbury Avenue, Suite A, Red Bank, New Jersey 07701, to develop the preliminary design budget which formed the basis for the Township's application for design assistance grant funding; and

WHEREAS, in a letter dated October 13, 2021, the New Jersey Department of Transportation (NJDOT) advised the Township that it has qualified for the additional design assistance funding from the Federal Highway Administration (FHA) in the amount of \$492,910.05; and

WHEREAS, prior to the execution of a professional services agreement for the performance of engineering design services, the New Jersey Department of Transportation and the Township of Marlboro must enter into a Federal Aid Cost Reimbursement Agreement establishing the terms and conditions governing receipt of Federal funds for these services; and

WHEREAS, a copy of the proposed agreement, known as agreement 2021-DT-DLA-553 ("Agreement") is attached to this resolution; and

WHEREAS, the Township Council wishes to accept the funding from the Federal Highway Administration through the State of New Jersey Department of Transportation in order to complete this important capital improvement at the most advantageous cost to local taxpayers.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Municipal Clerk are hereby authorized to execute and enter into on behalf of the Township the annexed agreement 2021-DT-DLA-553, together with applicable appendices, and to take all steps as may be necessary to submit same to the NJDOT and obtain its approval and execution.

RESOLUTION #2021-147

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL
SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE
TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING
SERVICES IN CONNECTION WITH ROAD AND DRAINAGE
IMPROVEMENTS

WHEREAS, the Township of Marlboro authorized various road and drainage improvements under its 2020 and 2021 capital programs ("Project"), as follows:

2020

060-4 Improvements to Wyncrest Road (NJDOT Local Aid 2020)
060-6 Greenbriar Paving Program

2021

060-1 Road Improvement Program
060-4 Improvements to Harbor Road
060-5 Greenbriar Paving Program
060-64 Crosswalks at School Road West
060-7 Recreation Center Parking Lot Drainage & Reconstruction
060-9 Union Hill Road Phase II (NJDOT Local Aid 2022)

; and

WHEREAS, the Township is in need of professional engineering services, consisting of design, permitting, bid and construction phase services in connection with the Project ("Professional Services"); and

WHEREAS, CME Associates has provided a proposal dated March 9, 2021 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Project by way of its Township Engineers at a fee not to exceed \$431,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$431,000.00 are available in Capital Accounts 04-215-20-05C-060288 and 04-215-21-04C-060288 for this purpose; and

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional engineering services in connection with the Project by way of its Township Engineers, at a fee not to exceed \$431,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated March 9, 2021, 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 \$431,000.00 for such additional Professional Services for the Project as described in the Proposal; and

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

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

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

RESOLUTION # 2021-148

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2021 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2020 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2021 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$24,990,475.70 for the municipal budget, \$6,626,469.69 for the operations of the water utility, and \$1,107,182.26 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

- 1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
- 2. That each said emergency temporary appropriation will be provided for in the CY 2021 budget under the same title as appropriated above.
- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.

CURRENT FUND:

01-201-20-010-100	MAYOR'S OFFICE S&W	76,818.37	38,409.18
01-201-20-010-200	MAYOR'S OFFICE O/E	4,107.00	4,053.50
01-201-20-020-100	CLERK'S OFFICE S&W	244,071.01	122,035.50
01-201-20-020-200	CLERK'S OFFICE O/E	48,924.25	24,462.13
01-201-20-021-100	TOWNSHIP COUNCIL - SALARIES & WAGES	18,000.00	9,000.00
01-201-20-021-200	TOWNSHIP COUNCIL - OTHER EXPENSES	530.00	265.01

01-201-20-030-100	ADMINISTRATION S&W	275,174.90	137,587.45
01-201-20-030-200	ADMINISTRATION O/E	129,673.52	64,836.76
01-201-20-033-100	CENTRAL COMPUTER OFFICE - SALARIES & WAGES	130,932.17	65,466.08
01-201-20-033-200	CENTRAL COMPUTER OFFICE - OTHER EXPENSES	128,021.96	64,010.98
01-201-20-035-200	ETHICS COMMISSION - OTHER EXPENSES	8,170.00	6,644.63
01-201-20-040-100	FINANCE S&W	209,656.06	104,828.03
01-201-20-040-200	FINANCE O/E	9,045.86	12,374.54
01-201-20-043-200	ANNUAL AUDIT O/E	34,792.52	30,000.00
01-201-20-045-100	TAX ASSESSOR S&W	133,910.69	66,955.35
01-201-20-045-200	TAX ASSESSOR O/E	62,568.75	36,424.30
01-201-20-046-100	TAX COLLECTOR S&W	144,840.83	72,420.42
01-201-20-046-200	TAX COLLECTOR O/E	41,736.28	20,868.14
01-201-20-050-200	LEGAL SERVICES O/E	210,071.53	208,286.60
01-201-20-055-200	CABLE - OTHER EXPENSES	52,423.39	56,012.77
01-201-20-060-100	ENGINEERING S&W	290,795.81	145,397.90
01-201-20-060-200	ENGINEERING O/E	114,424.88	57,212.44
01-201-20-083-200	ECONOMIC DEVELOPMENT - OTHER EXPENSES	19,775.00	9,887.50
01-201-20-092-200	INTERGOVT. RELATIONS O/E	9,956.00	4,978.00
01-201-20-093-200	HISTORIC SITES COMMITTEE - OTHER EXPENSE	1,200.00	600.00
01-201-20-140-200	OPEN SPACE COMMISSION - OTHER EXPENSES	973.25	486.63
01-201-20-158-200	POSTAGE - OTHER EXPENSES	28,375.00	14,187.50
01-201-21-070-100	PLANNING BOARD S&W	81,278.05	40,639.03
01-201-21-070-200	PLANNING BOARD O/E	23,791.00	11,895.50
01-201-21-071-200	PLANNING BOARD CONTRAC. O/E	86,400.00	94,220.00
01-201-21-075-100	ZONING S&W	174,154.50	87,077.25
01-201-21-075-200	ZONING O/E	47,826.00	23,913.01
01-201-21-209-100	AFFORDABLE HOUSING S&W	17,000.00	8,500.00
01-201-23-099-200	UNEMPLOYMENT INSURANCE - OTHER EXPENSES	1,000.00	40,262.50
01-201-23-100-200	EMPLOYEE INSURANCE - OTHER EXPENSES	2,902,592.02	1,451,296.01
01-201-23-101-200	LIABILITY INSURANCES - OTHER EXPENSES	537,176.17	542,432.27
01-201-23-102-200	WORKER'S COMPENSATION O/E	483,474.68	503,991.13
01-201-23-103-200	HEALTH INSURANCE WAIVERS	84,000.00	0.00
01-201-25-052-100	MUNICIPAL PROSECUTOR - SALARIES & WAGES	31,836.24	15,918.12
01-201-25-052-200	MUNICIPAL PROSECUTOR - O/E	3,000.00	3,000.00
01-201-25-104-100	FIRE PREVENTION BUREAU S&W	253,246.95	126,623.47
01-201-25-104-200	FIRE PREVENTION BUREAU O/E	25,174.96	12,587.48
01-201-25-106-100	POLICE S&W	9,366,702.70	4,683,351.35
01-201-25-106-200	POLICE O/E	668,326.25	334,163.12
01-201-25-108-100	EMERGENCY MANAGEMENT S&W	23,000.00	86,037.50
01-201-25-108-200	EMERGENCY/CIVIL DEFENSE O/E	11,806.00	63,099.08
01-201-25-110-200	CONTRIBUTIONS	60,000.00	0.00
01-201-25-178-200	LOSAP	85,000.00	85,000.00
01-201-25-212-100	911 EXPENSES S&W	824,875.87	412,437.94
01-201-25-212-200	911 EXPENSES O/E	213,291.36	106,645.68
01-201-25-226-200	S.F.S.P. O/E	11,000.00	0.00
01-201-26-117-100	RECYCLING - S&W	21,600.00	10,800.00
01-201-26-117-200	RECYCLING - OTHER EXPENSES	689,661.00	786,580.00
01-201-26-119-100	SNOW REMOVAL S&W	211,000.00	211,000.00
01-201-26-119-200	SNOW REMOVAL - OTHER EXPENSES	1,030,470.04	608,415.00
01-201-26-120-100	ROAD MAINTENANCE S&W	1,806,385.95	903,192.97
01-201-26-120-200	ROAD MAINTENANCE O/E	186,442.72	93,221.36
01-201-26-121-100	VEHICLE MAINTENANCE S&W	493,532.90	246,766.45
01-201-26-121-200	VEHICLE MAINTENANCE O/E	298,771.00	149,385.50
01-201-26-122-100	GROUNDS MAINTENANCE S&W	254,460.92	127,230.46
01-201-26-122-200	GROUNDS MAINTENANCE O/E	204,035.13	129,638.99
01-201-26-125-100	PUBLIC WORKS S & W	186,901.30	93,450.65
01-201-26-125-200	PUBLIC WORKS O/E	8,391.00	4,195.50

01-201-26-126-200	CONDOMINIUM SERVICES ACT - OTHER	140,505.00	36,882.56
01-201-26-129-100	SHADE TREE - S&W	0.00	4,000.00
01-201-26-129-200	SHADE TREE - OTHER EXPENSES	12,280.00	6,140.00
01-201-27-130-100	REGISTRAR S&W	21,500.00	0.00
01-201-27-130-200	REGISTRAR O/E	996.75	498.37
01-201-27-134-100	DRUG ABUSE S&W	17,949.59	24,711.77
01-201-27-134-200	DRUG ABUSE CONTROL O/E	15,314.25	24,019.99
01-201-27-136-100	ANIMAL REGULATIONS S & W	0.00	0.00
01-201-27-136-200	ANIMAL REGULATIONS O/E	46,872.65	0.00
01-201-27-138-100	ENVIRONMENTAL COMMITTEE S&W	2,000.00	1,000.00
01-201-27-138-200	ENVIRONMENTAL PROTEC. O/E	1,045.00	522.50
01-201-28-123-100	PARKS & RECREATION - S&W	411,739.59	205,869.79
01-201-28-123-200	PARKS OTHER EXPENSES	180,981.88	190,490.94
01-201-28-145-100	RECREATION S & W	543,225.62	271,612.81
01-201-28-145-200	RECREATION O/E	276,334.97	138,167.49
01-201-28-146-200	RECREATION TEEN PROGRAMS O/E	4,410.00	1,157.63
01-201-29-150-200	PUBLIC LIBRARY O/E	13,000.00	6,500.00
01-201-30-173-200	PRIOR YEARS BILLS	1,000.00	500.00
01-201-30-184-100	ACCUMULATED ABSENCES	1,000.00	0.00
01-201-31-160-200	STREET LIGHTING O/E	645,481.00	322,740.50
01-201-31-161-200	ELECTRIC O/E	307,086.84	153,543.42
01-201-31-162-200	TELEPHONE O/E	215,846.04	215,846.04
01-201-31-164-200	WATER O/E	25,980.00	12,990.00
01-201-31-165-200	SEWER O/E	11,500.00	5,750.00
01-201-31-167-200	NATURAL GAS O/E	61,100.00	30,550.00
01-201-31-168-200	GASOLINE	321,260.73	260,630.37
01-201-32-170-200	LANDFILL DISPOSAL COSTS	184,690.00	213,306.67
01-201-35-180-200	Contingent	2,500.00	0.00
01-201-36-174-200	POLICE & FIREMENS RETIREMENT	2,400,001.00	2,515,393.80
01-201-36-175-200	PUBLIC EMPLOYEES RETIREMENT	1,150,001.00	1,332,960.12
01-201-36-176-200	EMPLOYER'S PORTION FICA	1,357,519.65	678,759.83
01-201-36-179-200	DEFINED CONTRIBUTION RETIREMENT PROGRAM	1,000.00	0.00
01-201-41-313-000	Drunk Driving Enforc Grant	0.00	0.00
01-201-41-339-000	ALCOHOL REHABILITATION GRANT	0.00	0.00
01-201-41-343-000	Clean Communities Grant	0.00	0.00
01-201-41-347-000	Recycling Tonnage Grant	23,300.10	0.00
01-201-41-361-000	Municipal Drug Alliance	0.00	0.00
01-201-41-363-000	COPS IN SHOPS	0.00	0.00
01-201-41-365-000	Body Armor Grant	0.00	0.00
01-201-41-366-000	Drive Sober or get Pulled Over Grant	0.00	0.00
01-201-41-367-000	Highway Traffic Safety Grant	0.00	0.00
01-201-41-374-000	Body Worn Camera Assistance Program	0.00	0.00
01-201-41-367-000	Chap 159 - 2013 Highway Safety Fund	0.00	0.00
01-201-41-368-000	Chap 159 - 2013 NRCS Grant	0.00	0.00
01-201-41-369-000	Chapter 159 - 2013 DDEF	0.00	0.00
01-201-41-370-000	Chapter 159 - Clean Communities Grant	0.00	0.00
01-201-41-371-000	Chapter 159 - Drive sober Grant	0.00	0.00
01-201-43-207-100	MUNICIPAL COURT S&W	373,215.03	186,607.52
01-201-43-207-200	MUNICIPAL COURT O/E	96,687.07	48,343.54
01-201-43-211-100	PUBLIC DEFENDER S&W	9,550.87	4,775.43
01-201-43-211-200	PUBLIC DEFENDER O/E	8,360.00	8,550.00
01-201-44-222-200	CAPITAL IMPROVEMENT FUND	300,000.00	300,000.00
01-201-45-220-200	BOND PRINCIPAL	2,725,000.00	2,758,000.00
01-201-45-221-200	LEASE PRINCIPAL	184,000.00	202,000.00
01-201-45-230-200	BOND-INTEREST - OTHER EXPENSES	1,270,800.00	1,127,000.00
01-201-45-231-200	DEBT SERVICE LEASE - INTEREST	9,400.00	10,000.00
01-201-45-235-200	NOTE INTEREST	1.00	187,000.00

01-201-45-236-200	NOTE PRINCIPAL	0.00	1.00
01-201-45-240-200	GREEN TRUST DEBT SERVICE	29,100.00	28,995.00
01-201-46-335-200	Deferred Charges Unfunded	187,423.34	0.00
01-201-50-299-200	RESERVE FOR UNCOLLECTED TAXES	2,601,290.37	0.00
TOTAL		<u>40,028,823.08</u>	<u>24,990,475.70</u>

WATER UTILITY FUND:

05-201-55-500-100	SALARY & WAGES	1,076,762.80	538,381.41
05-201-55-500-200000	WATER UTILITY OE	7,236,002.20	3,618,001.10
05-201-55-501-200000	WATER CAPITAL OUTLAY	20,000.00	10,000.00
05-201-55-503-254010	SOCIAL SECURITY - WATER EMPLOYEE BENEFIT	82,372.37	41,186.19
05-201-55-503-260040	Deferred Charges - NJEIT Payment	0.00	0.00
05-201-55-503-261010	Unemployment	1.00	0.00
05-201-55-503-287010	PENSION - WATER EMPLOYEE BENEFITS	1.37	0.00
05-201-55-520-260040	Bond Principal	985,000.00	1,070,000.00
05-201-55-530-290040	Interest on Bonds	461,325.00	445,800.00
05-201-55-536-260040	Note Principal	0.00	0.00
05-201-55-535-290040	Interest on Notes	1.00	19,001.00
05-201-55-540-260040	NJEIT Loan Principal	712,000.00	722,000.00
05-201-55-545-290040	NJEIT Loan Interest	161,000.00	162,100.00
05-201-55-550-000000	NJEIT Loan Fees	0.00	0.00
TOTAL		<u>10,734,465.74</u>	<u>6,626,469.69</u>

RECREATION UTILITY FUND:

09-201-55-400-101000	RECREATION - SALARY & WAGES	1,018,693.70	267,407.10
09-201-55-400-200020	RECREATION - OE	1,356,492.28	735,174.17
09-201-55-451-000000	Capital Outlay	1.00	0.00
09-201-55-481-260	Note Principal	0.00	0.00
09-201-55-481-290	Interest on Notes	1.00	1,101.00
09-201-55-482-260452	Bond Principal	75,000.00	75,000.00
09-201-55-483-290452	Interest on Bonds	35,500.00	28,500.00
09-201-55-487-254413	Social Security Payment	0.77	0.00
09-201-55-487-261413	Unemployment	1.00	0.00
09-201-55-487-287413	Pension	1.37	0.00
TOTAL		<u>2,485,691.12</u>	<u>1,107,182.26</u>

RESOLUTION #2021-149

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$13,963,000 GENERAL OBLIGATION BONDS, SERIES 2021, CONSISTING OF \$10,953,000 GENERAL IMPROVEMENT BONDS, \$2,850,000 WATER UTILITY BONDS AND \$160,000 RECREATION UTILITY BONDS OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND PROVIDING FOR THEIR SALE.

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

Section 1. The \$10,953,000 General Improvement Bonds (the "General Improvement Bonds"), the \$2,850,000 Water Utility Bonds (the "Water Utility Bonds"), and the \$160,000 Recreation Utility Bonds (the "Recreation Utility Bonds" and, together with the General Improvement Bonds and Water Utility Bonds, the "Bonds") of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") referred to and described in the resolution adopted by the Township Council pursuant to the Local Bond Law of the State of New Jersey on March 18, 2021, and entitled, "Resolution Providing for the Combination of \$10,953,000 Aggregate Principal Amount of General Improvement Bonds, \$2,850,000 Aggregate Principal Amount of Water Utility Bonds and \$160,000 Aggregate Principal Amount of Recreation Utility Bonds of the Township of Marlboro, in the County of Monmouth, New Jersey Into Single Issues of General Improvement Bonds, Water Utility Bonds and Recreation Utility Bonds, Respectively" shall be issued as "General Improvement Bonds," "Water Utility Bonds" and "Recreation Utility Bonds".

Section 2. The General Improvement Bonds shall mature in the principal amounts on May 1 as follows:

<u>Year</u>	<u>Principal Amount</u>
2022	\$623,000
2023	620,000
2024	620,000
2025	620,000
2026	1,135,000
2027	1,175,000
2028	1,235,000
2029	1,235,000
2030	1,230,000
2031	
2032	1,230,000
	1,230,000

Section 3. The Water Utility Bonds shall mature in the principal amounts on May 1 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2022	\$115,000	2030	\$200,000
2023	115,000	2031	200,000

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2024	220,000	2032	200,000
2025	200,000	2033	200,000
2026	200,000	2034	200,000
2027	200,000	2035	200,000
2028	200,000	2036	200,000
2029	200,000		

Section 4. The Recreation Utility Bonds shall mature in the principal amount on May 1 as follows:

<u>Year</u>	<u>Principal Amount</u>
2022	\$15,000
2023	15,000
2024	15,000
2025	15,000
2026	15,000
2027	15,000
2028	15,000
2029	15,000
2030	20,000
2031	20,000

Section 5. Pursuant to N.J.S.A. 40A:2-26(g), the Township hereby designates the Chief Financial Officer to adjust the actual principal amounts of the Bonds. Any such adjustment shall not exceed 10% of the principal for any maturity of the Bonds with the aggregate adjustment to maturity not to exceed 10% of the principal for the overall Bond issue.

Section 6. The Bonds shall be subject to redemption prior to their stated maturities in accordance with the Notice of Sale attached hereto as Exhibit A (the "Notice of Sale").

Section 7. The General Improvement Bonds shall be eleven in number, with one certificate being issued for each year of maturity, and shall be numbered GIB-1 to GIB-11 inclusive. The Water Utility Bonds shall be fifteen in number, with one certificate being issued for each year of maturity, and shall be numbered WUB-1 and WUB-15. The Recreation Utility Bonds shall be ten in number, with one

certificate being issued for each year of maturity, and shall be numbered RUB-1 to RUB-10 inclusive.

Section 8. The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the first day of May and November in each year until maturity, commencing on November 1, 2021, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale.

Section 9. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 10. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of The Depository Trust Company, New York, New York ("DTC"), acting as securities depository:

REGISTERED
NUMBER A. _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MONMOUTH

TOWNSHIP OF MARLBORO

B. _____

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DATED DATE:

MATURITY DATE:

RATE OF INTEREST PER ANNUM:

INTEREST PAYMENT DATES:

INITIAL INTEREST PAYMENT DATE:

RECORD DATES:

CUSIP NUMBER:

TOWNSHIP OF MARLBORO, a body politic and corporate of the State of New Jersey (the "Township"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER, or registered assigns, on the MATURITY DATE, upon presentation and surrender of this bond, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE until it matures at the RATE OF INTEREST PER ANNUM specified above semi-annually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Principal of and interest due on this bond will be paid to the REGISTERED OWNER by the Township or its designated paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the RECORD DATES next preceding the respective INTEREST PAYMENT DATES (the "Record Dates"). The principal of and interest on this bond are payable in lawful money of the United States of America.

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

The bonds of this issue maturing prior to May 1, 2029, are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after May 1, 2029 are redeemable at the option of the Township in whole or in part on any date on or after May 1, 2028 at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose

by the Township or a duly appointed Bond Registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township; the bonds to be redeemed having the same maturity shall be selected by the securities depository in accordance with its regulations.

So long as Cede & Co., as nominee of DTC, is the registered owner of the Bonds, the Township shall send redemption notices only to Cede & Co.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted March 18, 2021, and entitled, "Resolution Providing for the Combination of \$10,953,000 Aggregate Principal Amount of General Improvement Bonds, \$2,850,000 Aggregate Principal Amount of Water Utility Bonds and \$160,000 Aggregate Principal Amount of Recreation Utility Bonds of the Township of Marlboro, in the County of Monmouth, New Jersey Into Single Issues of General Improvement Bonds, Water Utility Bonds and Recreation Utility Bonds, Respectively" and the respective various bond ordinances referred to therein, each in all respects duly approved and published as required by law.

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

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

IN WITNESS WHEREOF, TOWNSHIP OF MARLBORO has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Clerk, and this bond to be dated the DATED DATE as specified above.

TOWNSHIP OF MARLBORO

[SEAL]

By: _____ [executed upon
issuance] _____

Mayor

ATTEST:

By: _____ [executed upon
issuance] _____ By: _____ [executed upon
issuance] _____

Clerk

Chief Financial Officer

[End of Form of Bond]

Section 11. In each of the General Improvement Bonds the following language should be inserted in the places indicated by the corresponding letter in form of the General Improvement Bonds.

A. GIB-__.

B. GENERAL IMPROVEMENT BOND

Section 12. In each of the Water Utility Bonds the following language should be inserted in the places indicated by the corresponding letter in form of the Water Utility Bonds.

A. WUB-__.

B. WATER UTILITY BOND

Section 13. In each of the Recreation Utility Bonds the following language should be inserted in the places indicated by the corresponding letter in form of the Recreation Utility Bonds.

A. RUB-__.

B. RECREATION UTILITY BOND

Section 14. (a) The Bonds shall be sold on April 28, 2021, or such other date as may be determined by the Chief Financial Officer, by electronic auction in accordance with the Notice of Sale.

(b) Pursuant to N.J.S.A. 40A:2-34, the Township hereby designates the Chief Financial Officer to sell and to award the Bonds in accordance with the Notice of Sale, and such financial officer shall report in writing the results of the sale to this Township Council as required by law. The Chief Financial Officer is hereby authorized and directed, consistent with the terms of the Notice of Sale, to retain the good faith deposit of the successful bidder and to immediately return such good faith deposits, whether by wire or check, to the unsuccessful bidders.

Section 15. The Municipal Clerk is hereby directed to arrange for the publication of the Short Notice of Sale in the form set forth in Exhibit B (the "Short Notice of Sale") in The Asbury Park Press or such other authorized newspaper of the Township and McManimon, Scotland & Baumann, LLC, is hereby directed to arrange for the publication of the Summary Notice of Sale in the form set forth in Exhibit C (the "Summary Notice of Sale") in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, such publications to be not less than seven days prior to the date of sale.

Section 16. The Notice of Sale, the Short Notice of Sale and the Summary Notice of Sale shall be substantially in the forms attached hereto as Exhibit A, Exhibit B and Exhibit C, respectively, with additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of DTC and MuniAuction.

Section 17. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date.

Section 18. The law firm of McManimon, Scotland & Baumann, LLC is authorized to arrange for the printing of the Bonds and is authorized to arrange for the printing of the Official Statement to be prepared by McManimon, Scotland & Baumann, LLC, Phoenix Advisors and Township officials. The Mayor and the Chief Financial Officer are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer

or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 19. 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 Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 20. (a) The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

(b) In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000 (or any \$1,000 increments thereof). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 21. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each year, beginning September 30, 2021, 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 (i) the Township indebtedness, (ii) property valuation information and (iii) tax rate, levy and collection data. The audited financial information 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 Bonds, a timely notice not in excess of ten business days after the occurrence of such 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 Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, 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 Bonds, 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) In a timely manner to the MSRB, notice of failure of the Township to provide required annual financial information on or before the date specified in this Resolution.

(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 provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

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

(f) In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this Resolution, the Township shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 22. 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 provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

Section 23. The Chief Financial Officer shall determine, in consultation with bond counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter

into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 24. In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 25. This resolution shall take effect immediately.

RESOLUTION #2021-150

RESOLUTION PROVIDING FOR THE COMBINATION OF \$10,953,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT BONDS, \$2,850,000 AGGREGATE PRINCIPAL AMOUNT OF WATER UTILITY BONDS AND AGGREGATE PRINCIPAL AMOUNT OF \$160,000 RECREATION UTILITY BONDS OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY INTO SINGLE ISSUES OF GENERAL IMPROVEMENT BONDS, WATER UTILITY BONDS AND RECREATION UTILITY BONDS, RESPECTIVELY

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

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the General Improvement Bonds (as defined herein) of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the aggregate principal amount of \$10,953,000 (the "General Improvement Bonds").

The principal amount of General Improvement Bonds authorized by each bond ordinance to be combined into a single issue as provided in Section 1 hereof, the bond ordinances authorizing the General Improvement Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Bond Ordinance Number	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$310,000	2011-04	Preservation of Open Space and Farmland, finally adopted March 3, 2011.	40 years
\$6,091,000	2018-01	Various capital improvements, finally adopted February 15, 2018.	10.75 years
\$4,552,000	2019-01	Various capital improvements, finally adopted February 21, 2019.	10.06 years

The following matters are hereby determined with respect to the combined issue of General Improvement Bonds:

The average period of usefulness, computed on the basis of the respective amounts of General Improvement Bonds presently authorized to be issued pursuant to each of the bond ordinances set forth in Section 2 hereof and the respective periods or average period of usefulness therein determined, is not less than 11.29 years.

The General Improvement Bonds of the combined issue shall mature within the average period of usefulness set forth in Section 3(a) hereof.

The General Improvement Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated:

None of the General Improvement Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 hereof have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of General Improvement Bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond

Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Water Utility Bonds (as defined herein) of the Township, authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 6 hereof shall be combined into a single and combined issue of Water Utility Bonds in the aggregate principal amount of \$2,850,000 (the "Water Utility Bonds").

The principal amount of Water Utility Bonds authorized by each bond ordinance to be combined into a single issue as provided in Section 5 hereof, the bond ordinances authorizing the Water Utility Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Bond Ordinance Number	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$1,945,000	2018-02	Various water utility improvements, finally adopted February 15, 2018.	22.13 years
\$905,000	2019-02	Various improvements to the water utility, finally adopted February 21, 2019.	30.09 years

The following matters are hereby determined with respect to the combined issue of Water Utility Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Water Utility Bonds presently authorized to be issued pursuant to each of the bond ordinances set forth in Section 6 hereof and the respective periods or average period of usefulness therein determined, is not less than 24.66 years.

The Water Utility Bonds of the combined issue shall mature within the average period of usefulness set forth in Section 7(a) hereof.

The Water Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated:

None of the Water Utility Bonds described in Section 6 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 6 hereof have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Water Utility Bonds set opposite the descriptions of the bond ordinances set forth in Section 6 hereof.

The several purposes or improvements authorized by the respective bond ordinances described in Section 6 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which a deduction may be taken in any annual or supplemental debt statement.

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Recreation Utility Bonds (as defined herein) of the Township, authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 10 hereof shall be combined into a single and combined issue of Recreation Utility Bonds in the aggregate principal amount of \$160,000 (the "Recreation Utility Bonds").

The principal amount of the Recreation Utility Bonds authorized by each bond ordinance to be combined into a single issue as provided in Section 9 hereof, the bond ordinances authorizing the Recreation Utility Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Bond Ordinance Number	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$7,000	2005-37	Improvements and other related expenses to the Township's Swim Utility, finally adopted September 22, 2005.	15 years
\$15,000	2013-09	Improvements to the Recreation and Swim Utility, finally adopted April 4, 2013.	15 years
\$33,000	2014-04	Improvements to the Recreation and Swim Utility, finally adopted February 20, 2014.	15 years

Principal Amount of Bonds	Bond Ordinance Number	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$105,000	2019-03	Various improvements to the recreation utility, finally adopted February 21, 2019.	15 years

The following matters are hereby determined with respect to the combined issue of Recreation Utility Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Recreation Utility Bonds presently authorized to be issued pursuant to each of the bond ordinances set forth in Section 10 hereof and the respective periods or average period of usefulness therein determined, is not less than 15 years.

The Recreation Utility Bonds of the combined issue shall mature within the average period of usefulness set forth in Section 11(a) hereof.

The Recreation Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated:

None of the Recreation Utility Bonds described in Section 10 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 10 hereof have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Recreation Utility Bonds set opposite the descriptions of the bond ordinances set forth in Section 10 hereof.

The several purposes or improvements authorized by the respective bond ordinances described in Section 10 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which a deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

RESOLUTION #2021-151

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

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

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

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

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

WHEREAS, Colts Neck has indicated that it can accommodate Marlboro police personnel at its facility, and the Marlboro Chief of Police has recommended that the shared services agreement with Colts Neck be extended through December 31, 2021; and

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

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

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

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

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

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

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

RESOLUTION #2021-152

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

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

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

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

WHEREAS, in response to a request from Colts Neck, the Marlboro OEM Coordinator has indicated that Marlboro is in a position to offer the decontamination facility, and has recommended that the shared services agreement with Colts Neck be extended through December 31, 2021; and

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

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

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

RESOLUTION #2021-153

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO A.C. SCHULTES, INC.
FOR THE MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY
DIVISION

WHEREAS, on March 21, 2019 (R.2019-142) the Township Council of the Township of Marlboro awarded a contract to A.C. SCHULTES, INC. for the MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the bid specifications included the option to renew said contract for one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, in a memo dated March 4, 2020, the Director of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

WHEREAS, in a memo dated February 26, 2021, the Director of Public Works has recommended that the Township approve a second and final one (1) year renewal of the contract; and

WHEREAS, Marlboro Township Council desires 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 A.C. SCHULTES, INC. whose address is 664 S. Evergreen Avenue, Woodbury Heights, NJ 08097 for a period of one (1) year beginning on May 1, 2021 through April 30, 2022, in a total amount not to exceed \$159,250.00.

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

BE IT FURTHER RESOLVED, that funds in the amount of \$159,250.00 have been certified by the Chief Financial Officer in Current Account #01-201-28-123-288121, Water Utility Account #05-201-55-500-288020, and Water Capital Accounts 06-215-16-03C-500288, 06-215-14-05C-500288 and #06-215-15-03D-500288; and

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

- a. A.C. SCHULTES, INC.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-154

A RESOLUTION AWARDING CONTRACTS TO MIRACLE CHEMICAL CO., GEORGE S. COYNE CHEMICAL CO. INC. AND MAIN POOL & CHEMICAL CO. INC. FOR THE SUPPLY OF SPECIFIED CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids (2021-06) for the Supply of Chemicals for the Township of Marlboro Water Utility Division and Recreation and Swim Utility, and on March 10, 2021 received four (4) bids; and

WHEREAS, the bid specifications indicated that the Township reserved the right to award each item separately to the lowest responsible bidder meeting the specifications; and

WHEREAS, the four (4) bids and one received were as follows:

Company	Contract 1A Zinc Orthophosphate	Contract 1B Sodium Hypochlorite	Contract 1C Sodium Hydroxide
Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727	No Bid	120,240.00	No Bid
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641	No bid	123,300.00	147,500.00
George S.Coyne Chemical Co. Inc 3015 State Road Croydon, PA 19021	71,757.00	175,644.00	234,037.50
Shannon Chemical Corporation Post Office Box 376 Malvern, PA 19355	75,330.00	No bid	342,500.00

Company	Contract 1D Swimming Pool Chemicals			
	Sodium Hypochlorite	Sodium Bicarbonate	Calcium Chloride	Sodium Thiosulfate
Miracle Chemical Co. 1151B Highway 33 Farmingdale, NJ 07727	1.336/ gallon	\$28.25/ bag	\$25.25/ bag	\$49.99/ bag
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641	1.37/ gallon	\$21.00/ bag	\$18.75/ bag	\$38.50/ bag
George S.Coyne Chemical Co. Inc. 3015 State Road Croydon, PA 19021	No bid	No bid	No bid	No bid
Shannon Chemical Corporation Post Office Box 376 Malvern, PA 19355	No bid	No bid	No bid	No bid

and;

WHEREAS, the Township Administration, the Director of Public Works and the Recreation Director have reviewed said bids received and have recommended that a split award be made; and

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works recommends that George S. Coyne Chemical Co. Inc. be awarded Contract 1A for the following items as the lowest responsible bidder for same:

Type	Quantity:	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
Contract 1A Zinc Orthophosphate	90,000 lbs	.7973/lb.	71,757.00

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works further recommends that Miracle Chemical Co. be awarded Contract 1B for the following items as the lowest responsible bidder for same:

Type	Quantity	Unit Price (\$)	Total Price (\$) NOT TO EXCEED
Contract 1B Sodium Hypochlorite	90,000 gallons	1.336/ gallon	120,240.00

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works further recommends that Main Pool & Chemical Co. Inc. be awarded Contract 1C for the following items as the lowest responsible bidder for same:

Type	Quantity	Unit Price	Total Price (\$) NOT TO EXCEED
Contract 1C Sodium Hydroxide	125,000 gallons	1.18/ gallon	147,500.00

WHEREAS, in a memo dated March 11, 2021, the Director of Public Works further recommends that Main Pool & Chemical Co. Inc. be awarded Contract 1D for the following items as the lowest responsible bidder for same:

Type	Quantity (per week)	Unit Price (\$)	Total Price (\$)	NOT TO EXCEED (16 weeks)
1D-1, Sodium Hypochlorite	750 gallons	1.37/gal.	1,027.50	16,440.00
1D-2, Sodium Bicarbonate	10 bags	21.00/bag	210.00	3,360.00
1D-3, Calcium Chloride	10 bags	18.75/bag	187.50	3,000.00
1D-4, Sodium Thiosulfate	2 bags	38.50/bag	77.00	1,232.00

WHEREAS, the Chief Financial Officer has certified that funds for the 2021 portion of the contracts in the amount of \$254,622.75 are available in the Water Utility Account #05-201-55-500-293020 and funds in the amount of \$24,032.00 for the full 2021 summer season are available in Recreation Utility Accounts #09-201-55-400-293452 & 09-201-55-400-293451; and

WHEREAS, funds for the 2022 portion of each contract in the total amount of \$84,874.25 will be certified by the Chief Financial

Officer for this purpose upon adoption of the 2022 Municipal Budget;
and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendations of the Township Director of Public Works and Recreation Director as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1A be awarded to George S. Coyne Chemical Co. Inc. whose address is 3015 State Road, Croydon, PA 19021 for the Supply of Zinc Orthophosphate for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$71,757.00 and for a term of one (1) year beginning on April 1, 2021 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1B be awarded to Miracle Chemical Co. whose address is 1151B Highway 33 Farmingdale, NJ 07727 for the Supply of Sodium Hypochlorite for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$120,240.00 and for a term of one (1) year beginning on April 1, 2021 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a Contract 1C be awarded to Main Pool & Chemical Co. Inc. whose address is 110 Commerce Road, Dupont, PA 18641 for the Supply of Sodium Hydroxide for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$147,500.00 and for a term of one (1) year beginning on April 1, 2021 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1D be awarded to Main Pool & Chemical Co. Inc. whose address is 110 Commerce Road, Dupont, PA 18641 for the Supply of Sodium Hypochlorite and Sodium Hydroxide, for the Township of Marlboro Water Utility Division, and for the supply of Sodium Hypochlorite, Sodium Bicarbonate, Calcium Chloride, and Sodium Thiosulfate for the Township of Marlboro Recreation and Swim Utility, for a contract amount not to exceed \$24,032.00 and for a term of one (1) year beginning on April 1, 2021 with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, Contracts with MIRACLE CHEMICAL CO., GEORGE S. COYNE CHEMICAL CO. INC. AND MAIN POOL & CHEMICAL CO. INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

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

- a. Miracle Chemical Co.
- b. Main Pool & Chemical Co. Inc.
- c. George S.Coyne Chemical Co. Inc.
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Director of Public Works
- g. Township Recreation Director

RESOLUTION #2021-155

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

WHEREAS, the Marlboro Township Department of Public Works Water Utility Division requires water meters for monitoring water use by its customers; and

WHEREAS, the Township of Marlboro authorized the continuation of the annual water meter replacement program in its 2021 capital program (500-25); and

WHEREAS, on March 10, 2021, bids were received and opened (2021-08) for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

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

COMPANY	Total Bid Amount
Core and Main LP 61 Gross Avenue Edison, NJ 08837	393,187.50

; and

WHEREAS, the bid submission of the sole bidder, CORE AND MAIN LP, 61 Gross Avenue, Edison, NJ 08817 has been determined to be

responsive as detailed in a March 11, 2021 memo transmitted by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded for THE PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION to CORE AND MAIN LP whose address is 61 Gross Avenue, Edison, NJ 08817, for the total bid price amount not to exceed \$393,187.50 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with CORE AND MAIN LP 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 \$200,000.00 are available and have been certified by the Chief Financial Officer in Water Capital Account 06-215-21-05G-500297 and the remaining amount of funds will be certified at the time the materials are needed.

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

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

RESOLUTION #2021-156

TAX OVERPAYMENTS

WHEREAS, the attached list in the amount of \$6,271.52 known as Schedule "A", is comprised of amounts representing overpayments for taxes,

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

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>REFUND</u>
132/20.05	Delpesh, Curtis & Phillips, Orleese 106 Haven Way Morganville, NJ 07751	5,912.72
421/3.07	Charleston Woods Homeowner Assoc. 76 Stillwell Road Holmdel, NJ 07733	358.80

RESOLUTION #2021-157

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$217,727.66 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 \$217,727.66 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2020-064	421/9.07	US Bank Cust for Pro Cap 8 50 South 16 th St., Suite 2050 Philadelphia, PA 19102 Assessed Owner: Comerica/Lereta	1,661.04
2020-060	412.05/12	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Ciancio, Salvatore & Michelle	1,863.15
2020-056	412/268	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154	2,825.23

Assessed Owner:
Lima, Vincent

2020-061	414/15	Bernie K. Brevdeh 881 Circle Avenue Franklin Lakes, NJ 07417 Assessed Owner: Calhoun, David Matthew	3,505.72
2020-050	398/9	Bernie K. Brevdeh 881 Circle Avenue Franklin Lakes, NJ 07417 Assessed Owner: Hunt, Dennis & Joann	3,209.29
2017-069	412.08/13	Fig Capital Investments NJ13 PO Box 54472 New Orleans, LA 70154 Assessed Owner: Ozgunaydin, Burhan & Zeynep, Jale	4,324.88
2019-036	352/9	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Perez, Tisha	3,841.70
2020-047	374/14	Bernie K. Brevdeh 881 Circle Avenue Franklin Lakes, NJ 07417 Assessed Owner: Qadah, c/o Prof. Qadah-Comp Sci Dept	4,698.73
2020-021	176/7/C1059	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Lane, Peggy	2,209.74
2020-014	155/1.03	Bala Partners, LLC PO Box 303 Pottersville, NJ 07979 Assessed Owner: Said, Nabil G. & Margaret M.	189,588.18

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

MINUTES APPROVED: APRIL 22, 2021

OFFERED BY: SCALEA

AYES: 5

SECONDED BY: MAZZOLA

NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
042221

JEFF CANTOR,
COUNCIL PRESIDENT