

MARLBORO TOWNSHIP COUNCIL MEETING

August 19, 2021

The Marlboro Township Council held its regularly scheduled meeting on August 19, 2021 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

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 August 16, 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 Deputy Municipal Clerk called the Roll.

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

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

PRESENTATION: Marlboro Gunners Blue - National Soccer Cup XX Finals.

Councilwoman Marder moved that the Council meeting minutes of July 15, 2021 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

The following Resolution #2021-247/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 and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2021-013. 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 3 - 0 in favor. Council President Cantor abstained and Councilman Scalea was absent.

RESOLUTION #2021-247

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 July 15, 2021, public hearing held on 19th August, 2021, be adopted on second and final reading this 19th day of August, 2021.

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

The following Resolution #2021-248/Ordinance #2021-018 (Bond Ordinance Providing for Streambank Stabilization Projects in and by the Township of Marlboro, in the County Of Monmouth, New Jersey, Appropriating \$955,000 therefor and Authorizing The Issuance of \$907,250 Bonds or Notes of the Township to Finance Part of the Cost thereof) was introduced by reference. Council President Cantor opened the Public Hearing on Ordinance #2021-018. As there was no one who wished to speak, the public hearing was closed. A motion to carry the final reading and adoption of the ordinance to the September 9, 2021 Council meeting was offered by Councilwoman Mazzola and seconded by Councilwoman Marder on a roll call vote of 3 - 0 in favor. Council President Cantor abstained and Councilman Scalea was absent.

RESOLUTION #2021-248

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

ORDINANCE #2021-018

BOND ORDINANCE PROVIDING FOR STREAMBANK STABILIZATION PROJECTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$955,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$907,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

which was introduced on July 15, 2021, public hearing held on the 19th of August, 2021, final reading for the adoption of said ordinance will be held on September 9, 2021.

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

ORDINANCE #2021-018

BOND ORDINANCE PROVIDING FOR STREAMBANK STABILIZATION PROJECTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$955,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$907,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$955,000, including the sum of \$47,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$907,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is Streambank Stabilization Projects, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$907,250, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$255,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond

counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution #2021-249/Ordinance #2021-019 (Appropriating State of New Jersey Department of Law and Public Safety Office of the Attorney General SFY21 Body-Worn Camera Grant) was introduced by reference, offered by Council President Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-249

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

ORDINANCE #2021-019

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$205,838 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR BODY-WORN CAMERAS AND RELATED EXPENSES

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

BE IT FURTHER RESOLVED, that the same be considered for final passage on September 9, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-019

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A

\$205,838 GRANT TO BE RECEIVED BY THE TOWNSHIP
FOR BODY-WORN CAMERAS AND RELATED EXPENSES

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 \$205,838 grant expected to be received by the Township from the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General Body-Worn Grant Program is hereby appropriated for the purpose of providing funds for the purchase of body-worn cameras and related expenses.

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 #2021-250/Ordinance #2021-020 (Refunding All or a Portion of General Obligation Bonds, Series 2015) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2021-250

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

ORDINANCE #2021-020

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2015, OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$13,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,500,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

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

BE IT FURTHER RESOLVED, that the same be considered for final passage during a public meeting on September 9, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-020

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2015, OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$13,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,500,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

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

Section 1. The Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") is hereby authorized to refund all or a portion of the outstanding General Obligation Bonds, Series 2015, of the Township, dated December 17, 2015, issued in the original principal amount of \$21,957,000 (the "2015 Bonds"), consisting of General Improvement Bonds (the "General Improvement Bonds"), Water Utility Bonds (the "Water Utility Bonds") and Recreation and Swim Utility Bonds (the "Recreation Utility Bonds" and, together with the Water Utility Bonds, the "Utility Bonds"). The 2015 Bonds maturing on October 15 in each of the years 2024 through 2030, inclusive (the "Refunded Bonds"), may be redeemed at the option of the Township in whole or in part on any date on or after October 15, 2023 (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$13,500,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$190,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the \$13,500,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that \$12,732,000, consisting of (i) the \$10,545,000 principal amount of the General Improvement Bonds to be refunded plus (ii) the \$2,187,000 principal amount of the Refunding Bonds allocated to refund the Utility Bonds to be refunded, will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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

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

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

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

The following Resolution #2021-251 (Confirming Emergency Contracts EM#21-38 Nolan Road Detention Basin) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0 in favor. Council President Cantor abstained and Councilman Scalea was absent.

RESOLUTION #2021-251

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS AND PAYMENTS FOR
GOODS AND SERVICES REQUIRED TO REPAIR DETENTION BASIN ON
NOLAN ROAD PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF
MARLBORO

WHEREAS, on July 6, 2021, severe thunderstorms rolled through Monmouth County resulting in localized flooding, tree damage and power outages (EM #21-38); and

WHEREAS, the burst of significant rainfall resulted in the collection of debris in a drainage pipe, overtopping of a detention basin, and the flooding of Nolan Road as well as a private residence; 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 flooding posed a serious threat to the public health, safety and welfare, as severe thunderstorms continue to be forecasted during a multi-week stretch of high heat and humidity, 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 Township contacted numerous vendors and ultimately received competitive quotes to provide the necessary goods and services, as follows:

LUCAS CONSTRUCTION GROUP, INC, Red Bank, NJ	\$55,000
BRENNAN BROTHERS CONTRACTING, LLC, Old Bridge, NJ	\$60,400
OSWALD ENTERPRISES, Belford, NJ	No quote provided
VORTEX SERVICES, LLC, Houston, TX (Freehold, NJ office)	No quote provided

; and

WHEREAS, LUCAS CONSTRUCTION GROUP, INC, PO BOX 8939, RED BANK, NJ 07701 provided the low quote of \$55,000 and was awarded a contract by the Qualified Purchasing Agent, pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$55,000.00 from Account 01-286-55-015.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contracts as depicted in SCHEDULE A be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the repair of the detention basin on Nolan Road.

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

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

RESOLUTION #2021-252

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

WHEREAS, the Township and Fraternal Order of Police Lodge 15 Captains ("FOP") are parties to a collective bargaining agreement that expired on December 31, 2020; and

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

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

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2020, for an extended term of January 1, 2021 through December 31, 2024.

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

bargaining agreement to the collective bargaining agreement that expired on December 31, 2020.

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

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

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

- a. FOP (CAPTAINS) LODGE 15
- b. Mayor Jonathan L. Hornik
- c. Chief Financial Officer

RESOLUTION #2021-253

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS AND PAYMENTS
FOR GOODS AND SERVICES REQUIRED IN RESPONSE TO ELECTRICAL
OUTAGE IN MUNICIPAL COMPLEX PURSUANT TO N.J.S.A. 40A:11-6
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on April 6, 2021, the Department of Public Works reported an electrical failure affecting the police side of the municipal complex (EM #21-18); and

WHEREAS, the electrical failure resulted in permanent damage to equipment in police communications resulting in a temporary re-routing of emergency 911 calls, the urgent need for backup generation power, the replacement of the electrical feed under the building, repair of the voicemail system and the replacement of the dispatch uninterruptible power supply (UPS) unit; 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 electrical failure 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 Township employed the services of existing contract vendors or those holding state or cooperative contracts to provide the necessary goods and services wherever possible; and

WHEREAS, the Township immediately filed a claim, and has subsequently been advised that the majority of costs will be recoverable through insurance; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$135,339.33 per SCHEDULE A below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that various emergency contracts as depicted in SCHEDULE A be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the electrical failure of April 6, 2021.

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 #2021-254

A RESOLUTION CORRECTING, CONFIRMING YEAR 2 OF CONTRACT WITH 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 17, 2020 (R. 2020-317), the Township Council of the Township of Marlboro authorized the renewal of a contract (year 2) with 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, it has been discovered that the renewal resolution contained a typographical error, citing a tipping fee of \$82.00 per ton and a corresponding total award amount of \$192,057.78; and

WHEREAS, in accordance with the lowest responsible bid submitted, the tipping fee cited should have been \$83.00 per ton, with a total award amount to \$193,057.78; and

WHEREAS, the Township recommends that the resolution of record

be corrected, the year 2 contract renewal amount confirmed and the resulting change order for \$1,000.00 be approved; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation 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 renewal of a contract (year 2) with FREEHOLD CARTAGE, INC. be confirmed, correcting R. 2020-317, and ratified to reflect the total low bid price of \$193,057.78.

BE IT FURTHER RESOLVED, that funds in the amount of \$192,057.78 were previously made available and certified by the Chief Financial Officer, as follows:

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

BE IT FURTHER RESOLVED, that the additional funds required in the amount of \$1,000.00 resulting from the correction have been previously 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

RESOLUTION #2021-255

A RESOLUTION AWARDING CONTRACT TO TRI COUNTY TURF, LLC
FOR THE PROVISION OF COMMUTER PARKING LOT SNOW REMOVAL
SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF
PUBLIC WORKS

WHEREAS, the Township of Marlboro has advertised for the acceptance of bids for the PROVISION OF COMMUTER PARKING LOT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, on August 4, 2021, the Township received two (2) bids, summarized as follows:

		Garden Irrigation	Tri County Turf
		316 Tennent Road	81 John White Road
		Morganville, NJ 07751	Cranbury, NJ 08512
#	ROUTE 9 & TEXAS ROAD	BID AMOUNT	BID AMOUNT
A.	2018/2019 Season - up to 2"	\$ 1,750.00	\$ 1,428.00
B.	2018/2019* Season - 2.1" to 4"	\$ 3,400.00	\$ 2,737.00
C.	2018/2019* Season - 4.1" to 6"	\$ 4,800.00	\$ 4,046.00
D.	2018/2019* Season - 6.1" to 9"	\$ 7,250.00	\$ 6,426.00
E.	2018/2019* Season - 9.1" to 12"	\$ 10,000.00	\$ 9,044.00
F.	TOTAL BID AMOUNT (Items A through E)	\$ 27,200.00	\$ 23,681.00
	VEHICLES/EQUIPMENT	NO. OF VEHICLES	UNIT PRICE PER HOUR
	Class II	1	\$ 350.00
	Class III	1	\$ 350.00
	Loader	1	\$ 400.00
	Loader/Backhoe	1	\$ 400.00
	Clearing Sidewalks	UNIT PRICE PER HOUR	UNIT PRICE PER HOUR
		\$ 350.00	\$ 414.00
#	ALTERNATE NO. 1 UNION HILL ROAD	BID AMOUNT	BID AMOUNT
1A.	2018/2019* Season - up to 2"	\$ 3,000.00	\$ 2,618.00
1B.	2018/2019* Season - 2.1" to 4"	\$ 5,500.00	\$ 4,998.00
1C.	2018/2019* Season - 4.1" to 6"	\$ 9,000.00	\$ 8,568.00
1D.	2018/2019* Season - 6.1" to 9"	\$ 12,000.00	\$ 10,948.00
1E.	2018/2019* Season - 9.1" to 12"	\$ 15,000.00	\$ 12,138.00
1F.	TOTAL BID AMOUNT (Items 1A through 1E)	\$ 44,500.00	\$ 39,270.00
	VEHICLES/EQUIPMENT	NO. OF VEHICLES	UNIT PRICE PER HOUR
	Class II	1	\$ 350.00
	Class III	1	\$ 350.00
	Loader	1	\$ 400.00
	Loader/Backhoe	1	\$ 400.00

; and

WHEREAS, the bid submission of the apparent low bidder for the base bid and Alternate No. 1, Tri County Turf, LLC, has been determined to be responsive as detailed in an August 5, 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 to Tri County Turf, LLC, whose address is 81 John White Road, Cranbury,

NJ 08512 in an amount not to exceed \$62,951.00 for the PROVISION OF COMMUTER PARKING LOT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for the one year period beginning October 1, 2021 and terminating September 30, 2022, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds required in 2021 in the amount of \$15,737.75 as available for the aforesaid contract in Account #11-228-55-020.

BE IT FURTHER RESOLVED, funds in the amount of \$47,213.25 for the 2022 portion of the contract will be made available and certified upon adoption of the 2022 budget.

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

- a. Tri County Turf, LLC
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-256

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CENTRAL JERSEY WASTE & RECYCLING, INC. FOR THE PROVISION OF RECYCLING COLLECTION AND DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro is in the need of recycling collection services for Township residents; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for RECYCLING COLLECTION AND DISPOSAL SERVICES, and on August 4, 2021, received one (1) bid, as follows:

Bidder		Year 1	Year 1
		Single Stream Bid Price	Dual Stream Bid Price
Central Jersey Waste & Recycling, Inc.	Ewing, NJ	\$711,034.32	\$898,642.32

; and

WHEREAS, it has been determined that the submission of the lowest bidder, CENTRAL JERSEY WASTE & RECYCLING, INC. is responsive as detailed in an August 5, 2021 memo submitted by the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended that the Township award a contract to CENTRAL JERSEY WASTE & RECYCLING, INC., for single stream curbside collection, for a term of one year beginning on September 1, 2021 in an amount not to exceed \$711,034.32; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works 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 CENTRAL JERSEY WASTE & RECYCLING, INC., whose address is 432 Stokes Avenue, Ewing, New Jersey 08638 in an amount not to exceed \$711,034.32 for RECYCLING COLLECTION AND DISPOSAL SERVICES for a term of one year beginning on September 1, 2021, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional four (1) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with CENTRAL JERSEY WASTE & RECYCLING, INC. in an amount not to exceed \$711,034.32.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$237,011.44 required for 2021 are available for the aforesaid contract in Current Account #01-201-26-117-233112.

BE IT FURTHER RESOLVED, that funds for the 2022 portion of the contract will be certified by the Chief Financial Officer upon adoption of the 2022 Municipal Budget.

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

- a. CENTRAL JERSEY WASTE & RECYCLING, INC.
- b. Township Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-257

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO L.J. PESCE, LLC AND TRI COUNTY TURF, LLC FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 17, 2020 (Resolution #2020-243) the Municipal Council of the Township of Marlboro awarded contracts to L.J. PESCE, LLC AND TRI COUNTY TURF, LLC FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; 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, in a memo dated July 23, 2021, the Director of Public Works has recommended that the Township approve a one (1) year extension of the contracts; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be extended for a term of one (1) year commencing on September 1, 2021 and expiring on August 31, 2022:

Vendor Name	Address	City	St	Total
L.J. Pesce, LLC	100 Igoe Road	Morganville	NJ	177,200.00
Tri County Turf, LLC	81 John White Rd	Cranbury	NJ	309,100.00
				486,300.00

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with L.J. PESCE, LLC AND TRI COUNTY TURF, LLC in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds in the amount of \$97,500.00, are available in Account 11-228-55-020

BE IT FURTHER RESOLVED, funds for the 2022 portion in an amount of \$388,800.00 will be certified at the time of adoption of the 2022 municipal budget.

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

- a. L.J. Pesce, LLC
- b. Tri County Turf, LLC
- c. Township Business Administrator
- d. Township Director of Public Works
- e. Township Chief Financial Officer

RESOLUTION #2021-258

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO TRI COUNTY TURF, LLC FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 15, 2020 (Resolution #2020-271) the Municipal Council of the Township of Marlboro awarded a contract to TRI COUNTY TURF, LLC FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

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

WHEREAS, in a memo dated July 23, 2021, the Director of Public Works has recommended that the Township approve a one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be extended for a term of one (1) year commencing on September 1, 2021 and expiring on August 31, 2022 to TRI COUNTY TURF, LLC FOR THE PROVISION OF SNOW REMOVAL SERVICES in an amount not to exceed \$122,700.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with TRI COUNTY TURF, LLC in accordance with this resolution, the bid

specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds in the amount of \$21,180.00, are available in Account 11-228-55-020.

BE IT FURTHER RESOLVED, funds for the 2022 portion in an amount of \$101,520.00 will be certified at the time of adoption of the 2022 municipal budget; and

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

- a. Tri County Turf, LLC
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION #2021-259

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO ELECTRO
MAINTENANCE, INC. FOR THE PROVISION OF ELECTRICAL REPAIR
WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC
WORKS

WHEREAS, on August 13, 2020 (Resolution #2020-224) the Municipal Council of the Township of Marlboro awarded a contract to ELECTRO MAINTENANCE, INC. for the PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

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

WHEREAS, in a memo dated July 23, 2021, the Director of Public Works has recommended that the Township approve a (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to ELECTRO MAINTENANCE, INC. whose address is 5133 W. Hurley Pond Road, Building #3 Farmingdale, NJ 07727 for a period of one year beginning on September 1, 2021 through August 31, 2022, in a total amount not to exceed \$33,800.00 for labor only, with parts to be billed at the rate of ten percent (10%) above contractor's cost, in accordance

with the bid specifications.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with ELECTRO MAINTENANCE, 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 \$11,266.66 have been certified by the Chief Financial Officer from Current Account #01-201-26-122-288126 and Water Operating Account #05-201-55-500-288020.

BE IT FURTHER RESOLVED, that funds for the 2022 portion of the contract in the amount of \$22,533.34 will be certified by the Chief Financial Officer upon adoption of the 2022 Municipal Budget.

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

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

RESOLUTION #2021-260

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO FOLEY,
INCORPORATED FOR THE PROVISION OF GENERATOR RENTAL
SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC
WORKS (DPW)

WHEREAS, on October 1, 2020 (Resolution 2020-264) the Municipal Council of the Township of Marlboro awarded a contract to FOLEY, INCORPORATED for THE PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

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

WHEREAS, in a memo dated July 23, 2021, the Director of Public Works has recommended that the Township approve a one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to FOLEY, INCORPORATED whose address is 855 Centennial Avenue, Piscataway, NJ 08855 for a one-year period beginning on November 1, 2021 and terminating on October 31, 2022, for an amount not to exceed \$106,830.00.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$50,310.00 for the aforesaid contract in Water Operating Account #05-201-55-500-215020.

BE IT FURTHER RESOLVED, funds in the amount of \$56,520.00 for the 2022 portion of the contract will be made available and certified in 2022 upon adoption of the budget.

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

- a. FOLEY, INCORPORATED
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-261

A RESOLUTION APPROVING RENEWAL OF CONTRACT (YEAR 2 & 3)
WITH MAGNOLIA ACRES, L.L.C. FOR THE LEASE OF FARMING RIGHTS
ON THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO
KNOWN AS THE "DIMEO PROPERTY" LOCATED ON CONOVER ROAD AND
DESIGNATED AS BLOCK 159, LOT 1 ON THE OFFICIAL TAX MAP OF
THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, on April 23, 2020 (Resolution #2020-138) the Municipal Council of the Township of Marlboro awarded a contract to MAGNOLIA ACRES, L.L.C. FOR THE LEASE OF FARMING RIGHTS ON THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "DIMEO PROPERTY" LOCATED ON CONOVER ROAD AND DESIGNATED AS BLOCK 159, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY; and

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

in the bid proposal at the exclusive option of the Township; and

WHEREAS, in a memo dated August 6, 2021, the Director of Public Works has recommended that the Township approve a two-year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract with Magnolia Acres, L.L.C. whose address is 250 School Road East, Marlboro, NJ 07746 be extended for an additional two-year period commencing on January 1, 2021 and expiring on December 31, 2022, for a total amount to be paid by the lessor of \$2,200.00 in accordance with terms and conditions specified in the bid proposal.

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

- a. MAGNOLIA ACRES, L.L.C.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-262

AMENDING RESOLUTION #2021-196 AUTHORIZING AWARD OF VARIOUS
STATE CONTRACTS FOR THE PURCHASE OF VEHICLES AND VEHICLE
EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF
PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2021 capital program (projects 120-14 and 123-04) authorized the purchase of various vehicles and related equipment for the Department of Public Works; and

WHEREAS, on June 17, 2021 (Resolution #2021-196) the Township Council granted authorization for the purchase of the vehicles and related equipment for the Department of Public Works under the various Educational Services Commission of NJ (ESCNJ) contracts for a total cost of \$83,932.27; and

WHEREAS, there is a need to additionally equip these vehicles with necessary light bars, consoles and other various equipment; 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, General Sales Admin Inc. was awarded the State Contract #17 - Fleet - 00760 for light bars and various equipment in an amount not to exceed \$2,729.44, per the attached quotation provided; and

WHEREAS, General Sales Admin Inc. was also awarded the State Contract # 17 - Fleet #00719 for consoles and various equipment in an amount not to exceed \$1,395.14, per the attached quotation provided; and

WHEREAS, the Department of Public Works has recommended that the Township amend Resolution #2021-196 to reflect an increase in the original authorization of \$4,124.58; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro for the Department of Public Works to purchase the additional equipment through the various State Contracts; and

WHEREAS, that the Chief Financial Officer has certified funds in the amount of \$4,124.58 in Capital Accounts 04-215-21-04K-123297 and 04-215-21-04G-120297; and

WHEREAS, the Mayor and Township Council have indicated their desire to purchase the additional equipment as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the additional equipment through the various State Contracts identified above in an amount not to exceed \$4,124.58.

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

- a. General Sales Admin. Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-263

AMENDING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME
ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR
PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH
NOLAN ROAD STREAMBANK STABILIZATION

WHEREAS, the Township of Marlboro authorizes various road and drainage improvements for action under annual capital program authorizations; and

WHEREAS, the Township has authorized such projects on an annual basis, and has routinely applied for and received funding from FEMA to offset the costs to local taxpayers, including for Taylor and Pleasant Valley Roads; and

WHEREAS, on Friday, July 2, 2021, following a short period of heavy rainfall, the Marlboro Township Department of Public Works reported that a section of streambank adjacent to Nolan Road suffered significant erosion, undermining the shoulder of the roadway (EM 21-37); and

WHEREAS, due to the emergent nature of the situation, the Qualified Purchasing Agent authorized preliminary professional engineering services on an emergency basis and a notification was made to the public concerning possible road closures; 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 July 8, 2021 (the "Proposal") for the required professional services, inclusive of the preliminary engineering services authorized; 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 \$125,500.00 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 \$125,500.00 are available in Reserve Account 01-286-55-015 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.

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 \$125,500.00 for such Professional Services, as further described and set forth in CME's Proposal dated July 8, 2021, 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 \$125,500.00 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 #2021-264

A RESOLUTION APPROVING CLOSEOUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND FERNANDES CONSTRUCTION, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE SINKHOLE REPAIR PROJECT AT VARIOUS LOCATIONS

WHEREAS, on December 17, 2020 by Resolution #2020-315 the Township of Marlboro authorized the award of a contract to Fernandes Construction, Inc. for the Sinkhole Repair Project at Various Locations (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$96,527.65 to \$81,453.22, a net decrease of \$15,074.43; and

WHEREAS, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$3,099.06; and

WHEREAS, pursuant to the terms of the contract, Fernandes Construction, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$12,217.98; 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 Fernandes Construction, Inc. in the amount of \$3,099.06 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 Fernandes Construction, Inc., be and is hereby approved, decreasing the original contract total of \$96,527.65 to \$81,453.22, a net decrease of \$15,074.43.

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 \$3,099.06 for work completed by Fernandes Construction, Inc. is hereby approved.

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

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

RESOLUTION #2021-265

A RESOLUTION AUTHORIZING THE EXTENSION OF GRACE PERIOD
FOR THE PAYMENT OF TAXES

WHEREAS, due to a delay in the Township receiving the certification of tax rates from the County of Monmouth, property tax bills for the upcoming year were mailed later than the statutory timeframe; and

WHEREAS, New Jersey State Statute provides for a minimum of twenty-five (25) days between the date of mailing and the property tax bill due date.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro that the grace period for payment of third quarter taxes be extended to August 26, 2021.

RESOLUTION #2021-266

RESOLUTION AUTHORIZING AWARD OF BERGEN COUNTY
COOPERATIVE CONTRACT #19-34 TO SHI INTERNATIONAL CORP.
FOR SPATIAL DATA LOGIC ENTERPRISE LICENSE AND PORTAL FOR
THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro currently utilizes Spatial Data Logic software extensively throughout the Township for permitting and complaint tracking in several municipal departments; and

WHEREAS, the Township wishes to continue to utilize the software by renewing the Large Town Enterprise License of Spatial Data Logic; and

WHEREAS, to increase options available for pandemic related remote work capabilities and in alignment with a strategic shift to cloud computing in general, the Township wishes for Spatial Data Logic to provide hosting services for the software; and

WHEREAS, in a memo dated August 6, 2021, the Marlboro Township Information Technology Division has recommended that the Township renew the Spatial Data Logic Enterprise License and Hosting Services from SHI INTERNATIONAL CORP., 290 Davidson Ave, Somerset, NJ 08873 under Bergen County Cooperative Contract #19-34 in an amount not to exceed \$97,350.00; and

WHEREAS, the Township is authorized to purchase software licenses from bids obtained from a cooperative pricing system such as the Bergen County Cooperative Purchasing System pursuant to the

authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to obtain the Spatial Data Logic Enterprise License; and

WHEREAS, the Township Council have indicated their desire to approve the renewal of said software license.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to renew the Spatial Data Logic Enterprise License from SHI INTERNATIONAL CORP., 290 Davidson Ave, Somerset, NJ 08873 under Bergen County Cooperative #19-34 in an amount not to exceed \$97,350.00.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds in the amount of \$97,350.00 from Current Fund Account #01-201-20-033-281.

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

- a. SHI INTERNATIONAL CORP.
- b. Township Business Administrator
- c. Township Division of Information Technology
- d. Chief Financial Officer

RESOLUTION #2021-267

AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR THE NJ
FY2021 BODY ARMOR REPLACEMENT PROGRAM FUNDING FROM THE NEW
JERSEY DEPARTMENT OF CRIMINAL JUSTICE FOR THE
MARLBORO TOWNSHIP POLICE

WHEREAS, the State Body Armor Replacement Fund Program sponsored by the New Jersey Department of Criminal Justice has been established to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for uniformed officers; and

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

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests; and

WHEREAS, the funding is given on a reimbursement-basis, requested by the grantee after confirmation of receipt of the ballistic vest is provided.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Criminal Justice and execute an agreement for funding from the FY2021 Body Armor Replacement Fund.

RESOLUTION #2021-268

ADOPTING THE MARLBORO OFFICE OF EMERGENCY MANAGEMENT EMERGENCY OPERATIONS PLAN (EOP) AND AUTHORIZING CONTINUED PARTICIPATION IN THE MONMOUTH COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT

WHEREAS, Chapter 222, Public Law 1989 mandates the development and approval of Emergency Operations Plans for all municipalities, counties and the State; and

WHEREAS, an Emergency Operations Plan is established in order for the Municipal Office of Emergency Management to better prepare for and manage jurisdiction-wide emergencies; and

WHEREAS, the Marlboro Township Emergency Management Coordinator must submit an Emergency Operations Plan through the County Office of Emergency management to the State Office of Emergency Management for initial review and approval, which requires recertification every four (4) years; and

WHEREAS, the Township Council of the Township of Marlboro is in receipt of an Emergency Operations Plan with the recommended amendments and a request from the Emergency Management Coordinator for formal adoption; and

WHEREAS, the Township participates in the Monmouth County Mutual Aid and Assistance program ("Program") which exists to ensure that the necessary resources are available to Marlboro and other Monmouth County municipalities in the event of an emergency; and

WHEREAS, the Program requires the execution of an agreement between the County, Marlboro Township and Participating Units (the Monmouth County Intra-County Mutual Aid and Assistance Agreement or "Agreement") which requires renewal on a quadrennial basis; and

WHEREAS, the Emergency Management Coordinator recommends reauthorization of this agreement to ensure that the necessary resources are available to Marlboro in the event of an emergency; and

WHEREAS, the Mayor and Township Council concur with the recommendations of the Marlboro Emergency Management Coordinator.

NOW, THEREFORE, BE IT RESOLVED, by, the Township Council of the Township of Marlboro that the Marlboro Emergency Operations Plan be and is hereby adopted, as amended.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the renewal of the Monmouth County Intra-County Mutual Aid and Assistance Agreement, and authorizes Mayor Jonathan L. Hornik to execute the attached agreement ("EXHIBIT A") with Monmouth County for a term consistent with the Municipal Emergency Operations Plan ending on December 31, 2023.

BE IT FURTHER RESOLVED, that the Municipal Clerk is directed to provide a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator.

RESOLUTION #2021-269

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE USE OF MARLBORO TOWNSHIP BOARD OF EDUCATION AND FREEHOLD REGIONAL HIGH SCHOOL DISTRICT RECREATIONAL SPORT FACILITIES BY THE MARLBORO DEPARTMENT OF RECREATION

WHEREAS, the Marlboro Township Board of Education (the "MTBOE") and Freehold Regional High School ("FRHSD") own various school sporting facilities; and

WHEREAS, the Township of Marlboro (the "Township") operates various fee-based recreational sport leagues for Township residents requiring the use of the MTBOE's and FRHSD's various school sporting facilities; and

WHEREAS, the MTBOE and FRHSD are authorized to permit the use of school sporting facilities it owns for the purpose of various recreational sport leagues for children and adults participating in said recreation or other program operated by the municipality in which the MTBOE or FRHSD is located; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 (2) ("Exceptions"), any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if it is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof or any other state or subdivision thereof; and

WHEREAS, the Director of Recreation has recommended that the Township utilize the MTBOE and FRHSD facilities for the Recreation Department's 2021-2022 season; and

WHEREAS, the costs of the facility rental services for the Recreation Department shall be paid by the Township to the MTBOE and FRHSD for the facilities that are utilized as depicted in Attachment A; and

WHEREAS, funds in the amount of \$56,468.00 for the facility rental services have been certified by the Chief Financial Officer from the Recreation Utility Accounts #09-201-55-400-216409, #09-201-55-400-216406 and #09-201-55-400-216402; and

WHEREAS, the Mayor and Marlboro Township Council desire to utilize the MTBOE and FRHSD facilities as recommended by the Director of Recreation for programming in accordance with the above-described terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Business Administrator are hereby authorized and directed to execute the contracts or agreements necessary to secure the facility rentals from the Marlboro Township Board of Education and Freehold Regional High School District in support the programs of the Marlboro Township Recreation Department.

BE IT FURTHER RESOLVED, that a duly certified copy of this resolution be forwarded to:

- a. Marlboro Township Board of Education
- b. Freehold Regional High School District
- c. Recreation Department
- d. Township Business Administrator

RESOLUTION #2021-270

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO
PRECISE CONSTRUCTION, INC. FOR THE NOLAN ROAD PARK
IMPROVEMENTS PHASE II FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2020 Capital Program (145-51.3) authorized the Nolan Road Park Phase II improvements; and

WHEREAS, the Township applied for and received a total of \$345,000 in grant awards from the Monmouth County Open Space Trust Fund (#14-13 and #19-03) for the improvements to Nolan Road Park;

and

WHEREAS, on August 11, 2021, the Township received three (3) bids, as summarized below and referenced in the report from the Township Engineer dated August 11, 2021:

Bidder	Bid item 1-26
Precise Construction 1016 Hwy 33, Freehold, NJ	\$239,797.50
Halecon Inc. 136 Billian St., Bridgewater, NJ	\$328,145.00
Vulcan Construction 3 Hance Dr., Cookstown, NJ	\$396,530.00

; and

WHEREAS, it has been determined that the submission of the lowest bidder for the base bid, Precise Construction, Inc., is responsive as detailed in an August 11, 2021 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 Precise Construction, Inc., whose address is 1016 Highway 33, Freehold, NJ 07728 in an amount not to exceed \$239,797.50 for the Nolan Road Park Phase II improvements.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with Precise Construction, Inc., in an amount not to exceed \$239,797.50.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$239,797.50 are available for the aforesaid contract in Capital Fund Accounts 04-215-20-05G-145288 and 04-215-20-09A-145288.

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

- a. Precise Construction, Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Director of Recreation

- e. Township Engineer
- f. Chief Financial Officer

RESOLUTION #2021-271

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO PRECISE
CONSTRUCTION, INC. FOR THE MISCELLANEOUS RECREATION
IMPROVEMENTS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2020 (145-3.1, 145-5.1, & 145-55) and 2021 (145-8) Capital Programs authorized miscellaneous improvements to recreation facilities at H & L Fields and Recreation Way Park; and

WHEREAS, on August 11, 2021, the Township received two (2) bids, as summarized below and referenced in the report from the Township Engineer dated August 11, 2021:

Bidder	Base Bid	Alternate A	Alt + Base Bid
Precise Construction 1016 Hwy 33, Freehold, NJ	\$337,580.00	\$8,000.00	\$345,580.00
Halecon Inc. 136 Billian St., Bridgewater, NJ	\$425,424.00	\$16,800.00	\$442,224.00

; and

WHEREAS, it has been determined that the submission of the lowest bidder, Precise Construction, Inc., is responsive as detailed in an August 11, 2021 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 Precise Construction, Inc., whose address is 1016 Highway 33, Freehold, NJ 07728 for the base bid in an amount not to exceed \$337,580.00 for the miscellaneous recreation improvements.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with Precise Construction, Inc., in an amount not to exceed \$337,580.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$337,580.00 are available for the aforesaid contract in Capital Fund Accounts 04-215-19-01J-145288 and 04-215-20-05G-145288.

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

- a. Precise Construction, Inc.
- b. Business Administrator
- c. Director of Public Works
- d. Director of Recreation
- e. Township Engineer
- f. Chief Financial Officer

RESOLUTION #2021-272

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$18,700.00, which has been received by the municipality for the "FY2022 Municipal Alliance" Grant.

BE IT FURTHER RESOLVED, that the amount of \$18,700.00 be hereby appropriated under the caption "FY2022 Municipal Alliance" Grant.

RESOLUTION #2021-273

LIEN REDEMPTION

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$95,364.05 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 \$95,364.05 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>
2020-013	151/3	US Bank Cust for Pro Cap 8 50 South 16 th St, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Fleisher, Barbara H & Ginn, Michael	\$95,364.05

RESOLUTION #2021-274

VETERAN TAX EXEMPTIONS

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

WHEREAS, 2021 property taxes totaling \$76,580.58 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 \$76,580.58 for 2021 taxes.

SCHEDULE "A"

BLOCK/LOT	EFFECTIVE DATE	PROPERTY INFORMATION	AMOUNT
132/20.05	7/30/2020	Delpesh, Curtis & Phillips, Orlee 106 Haven Way	\$13,702.99
132.02/6/C0206	10/8/2020	Gaynor, Thomas P & Maureen M 206 Canterbury Lane	\$6,049.01
195/7	11/1/2020	Miskiewicz, Raymond R & Susanne 6 Peach Tree Court	\$10,834.47
206/5	11/9/2020	Greenberg, Beverly 36 Rockwell Circle	\$14,774.28
258/9	12/1/2020	Pineda, Giovanni & Maira 7 Ottawa Road North	\$9,258.66

305/31	1/28/2021	Swanson, Kelsey S & Laurie A 242 Gordons Corner Road	\$7,651.70
298/9	3/11/2021	Baluta, Edward J & Jeannie 19 Prides Lane	\$8,127.13
225/1	3/19/2021	McCuiston, Thomas & Linda 18 School Road West	\$6,182.34
			\$76,580.58

RESOLUTION #2021-275

AUTHORIZING THE TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE OLD BRIDGE MUNICIPAL UTILITY AUTHORITY TO PROVIDE LEGAL AND EXPERT UTILITY RATE SERVICES IN THE MATTER OF THE MIDDLESEX WATER COMPANY'S RATE INCREASE PETITION TO THE NEW JERSEY BOARD OF PUBLIC UTILITIES DATED MAY 20, 2021

WHEREAS, the Middlesex Water Company (the "MWC") filed a Rate Increase Petition with the Board of Public Utilities on May 20, 2021 (BPU Docket WR2105) seeking a proposed stated rate increase of 37.39%; and

WHEREAS, the increase proposed by MWC, weighted disproportionately on the transmission component of the rate, represents an actual effective increase of approximately 61.50% for the MTWUD; and

WHEREAS, by Resolution #2021-222 approved on June 17, 2021, the Township Council authorized the Township Attorney on behalf of the Marlboro Township Water Utility Department (the "MTWUD") to petition the New Jersey Board of Public Utilities for permission to intervene in BPU Docket WR2105; and

WHEREAS, the Township of Old Bridge Municipal Utility Authority (the "OBMUA") is a contract bulk purchaser of water from the MWC and also desires to intervene in the matter of the MWC rate increase petition; and

WHEREAS, the OBMUA is in need of professional services and/or legal and expert utility rate analysis in support of its intervention in the matter of MWC Rate Increase Petition; and

WHEREAS, the Township and the OBMUA (hereinafter collectively referred to as the "Parties") wish to enter into a Shared Services

Agreement for professional services for legal and expert utility rate analysis on support of their intervention; and

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

WHEREAS, the Township and the OBMUA are public bodies corporate and political in 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 and the OBMUA have negotiated the terms of a Shared Services Agreement, a copy of which is annexed hereto and incorporated into this Resolution; and

WHEREAS, it is in the best economic interest of the Township residents and OBMUA rate payees to enter into this Shared Services Agreement; and

WHEREAS, the above parties desire to enter into a Shared Services Agreement ("Agreement") pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) for the provision of professional services for legal and expert utility rate analysis services pursuant to the terms and conditions provided herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED, BY THE MARLBORO TOWNSHIP COUNCIL AS FOLLOWS:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Township hereby approves the Shared Service Agreement with the Old Bridge Municipal Utilities Authority for legal and expert utility rate analysis services in substantially the form attached with such changes as shall be approved by the Mayor on advice of counsel.
3. The Township hereby authorizes the Mayor to execute the Shared Service Agreement with the OBMUA in the form so approved. The Municipal Clerk shall be authorized to attest to the signature of the Mayor appearing thereon and to affix the seal of the Township thereto.

4. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
5. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-276

RESOLUTION CONFIRMING SALE OF SOLAR RENEWABLE ENERGY
CREDITS (SRECS) THROUGH INTERNET-BASED AUCTIONS

WHEREAS, the Township Council of the Township of Marlboro approved Resolution #2019-113 which authorized the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provision of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30) and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform of S-RECS to be generated between June 1, 2020 and May 31, 2021 (Energy Year 2021 or "EY 2021"), provided the bid accepted offers per S-REC price equal to or higher than \$210.00; and

WHEREAS, the Township Council authorized an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as the on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's sale of SRECS at a fee of \$3.00 per SREC; and

WHEREAS, the Township has generated an additional 138 SRECs for the EY 2021 period; and

WHEREAS, Township's Broker, Marex Spectron confirmed a price of \$232.00 per SREC for the additional 138 SRECs; and

WHEREAS, pursuant to Resolution #2019-113, the Township accepted the offer of \$232.00 per SREC for 138 SRECs by Spectron Energy, 360 Madison Avenue, Third Floor, New York, NY 10017.

NOW THEREFORE BE IT RESOLVED, that the Municipal Council hereby confirms the acceptance of the offer by Spectron Energy, 360 Madison Avenue, Third Floor, New York, NY 10017 to purchase 138 SRECS (EY 2021) at a price of \$232.00 per SREC.

BE IT FURTHER RESOLVED, that the Mayor, Business Administrator and Municipal Clerk are hereby authorized to execute the necessary

documents in a form approved by the Township Attorney to effectuate the transaction.

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

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

RESOLUTION #2021-277

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

WHEREAS, the Township of Marlboro authorized various Water Utility System improvements in its capital program, including the following projects ("Projects"); and

	2017-500-36	06-215-17-03B-500288
Lloyd Rd Water Main Replacement II	2019-500-05	06-215-19-02F-500288

WHEREAS, the Township of Marlboro Water Utility Division is mandated to prepare a Risk and Resilience Assessment (RRA) for the Township's Water System under America's Water Infrastructure Act (AWIA) of 2018; and; and

WHEREAS, the AWIA requires that the RRA address the following:

- The risk to the system from malevolent acts and natural hazards
- The resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems) which are utilized by the system;
- The monitoring practices of the system;
- The financial infrastructure of the system;
- The use, storage, or handling of various chemicals by the system;
- The operation and maintenance of the system

; and

WHEREAS, pursuant to Resolution #2021-238 adopted on July 15, 2021, the Township Council authorized the execution of a settlement agreement with ENCLAVE AT CANNON HILL, LLC., outlining the conditions

under which the performance bonds held by the Township would be released; and

WHEREAS, under the terms of the agreement, the Township will be retaining sufficient funds to resolve the outstanding punch list items that ENCLAVE AT CANNON HILL, LLC failed to complete; and

WHEREAS, the Township is in need of professional engineering services in connection with the Projects, the mandated Risk and Resilience Assessment (RRA) for the Water Division and the outstanding punch list items associated with the ENCLAVE AT CANNON HILL, LLC settlement agreement ("Professional Services"); and

WHEREAS, CME Associates has provided proposals dated June 2, 2021, June 10, 2021 and July 26, 2021 (the "Proposals") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) by way of its Township Engineers at a fee not to exceed \$94,068.00 for such Professional Services, as further described and set forth in CME's Proposals, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$94,068.00 are available in Water Capital Accounts 06-215-17-03B-500288, 06-215-19-02F-500288 and 06-215-20-06B-500288, and Escrow Account 22-228-55-060-182003; 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 in accordance with the Proposals; and

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

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

notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include Professional Services in connection with various Water Utility system improvements by way of its Township Engineers, at a fee not to exceed \$94,068.00 for such Professional Services, as further described and set forth in CME's Proposals dated June 2, 2021, June 10, 2021 and July 26, 2021, be and are 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, an amendment to the Professional Services Contract described herein.

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$94,068.00 for such additional Professional Services as described above and in the Proposals.

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

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

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

RESOLUTION #2021-278

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR
THE MOCKINGBIRD LANE WATER MAIN EXTENSION PROJECT
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC
WORKS

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the Mockingbird Water Main Extension Project in the Township of Marlboro (2021-19); 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, 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, ten (10) bids were received on July 28, 2021, all of which exceeded the Township's budgeted cost as well as the engineer's 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 Mockingbird Lane Water Main Extension Project for the Township of Marlboro is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a) and 40A:11-13.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to rebid the contract for the Mockingbird Lane Water Main Extension Project 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 #2021-279

A RESOLUTION APPROVING A CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND BURLEW MECHANICAL, LLC AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE IMPROVEMENTS TO HAMILTON PARK SEPTIC SYSTEM PROJECT

WHEREAS, by Resolution #2019-127 the Township of Marlboro authorized the award of a contract to Burlew Mechanical, LLC for the Improvements to Hamilton Park Septic (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$779,070.80 to \$729,537.57, a net decrease of \$49,533.23; and

WHEREAS, in a letter dated August 13, 2021, the Township Engineer has indicated that the project was completed in accordance with the plans and specifications, has recommended approval of the Closeout Change Order, acceptance of the Project improvements and issuance of final payment in the amount of \$65,000.00; and

WHEREAS, pursuant to the terms of the contract, Burlew Mechanical, LLC has provided a two-year maintenance bond in an amount equal to 25% of the final contract amount, or \$182,384.39; 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 Burlew Mechanical, LLC in the amount of \$65,000.00 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 the Closeout Change Order to the existing contract with Burlew Mechanical, LLC, be and is hereby approved, decreasing the original contract total of \$779,070.80 to \$729,537.57, a net decrease of \$49,533.23.

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 \$65,000.00 for work completed by Burlew Mechanical, LLC is hereby approved.

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

- a. Burlew Mechanical, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. Rainone Coughlin Minchello, LLC

At 7:39 p.m., Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Deputy Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED:

OFFERED BY: METZGER

AYES: 4

SECONDED BY: MARDER

NAYS: 0

ABSTAIN: SCALEA

JENNIFER M. JOHNSON,
DEPUTY MUNICIPAL CLERK
090921

JEFF CANTOR,
COUNCIL PRESIDENT