

MARLBORO TOWNSHIP COUNCIL MEETING

April 28, 2022

The Marlboro Township Council held a Special Meeting on April 28, 2022 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President Qazi 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 published in the Asbury Park Press on April 18, 2022; was sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on April 25, 2022; 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, Councilman Milman, Councilman Scalea and Council President Qazi. Council Vice President DiNuzzo was absent.

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

Citizen's Voice: Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey inquired about the status of prior questions and documents he submitted to the council and when will the township review his properties' tree clearing and grading plan. He was advised again to submit a zoning application to the Township's Community Development Department for review and completeness.

Elliot Cohen of 5 Sussex Road asked that considerations should be applied for adding a time limit for anyone who rents a field, but does not show up to use the space. Allowing for use of the fields by others, should the person who requested that time slot hadn't showed up. The Mayor stated he would discuss possible changes with the Director of Recreation.

Walter Solomon of 43 Samantha Drive discussed his ongoing concerns with 606 Robert Court. The business administrator said that as of today's date; the township has issued 55 summons to the owners of 606 Robert Court for their lack of compliance and will continue to issues summons when appropriate. The mayor stated that the township is fully engaged in the issues associated with 606 Robert Court and will continue to do so.

Council Speaks Out: Councilman Scalea asked for an update on the proposed changes to emergency dispatching. The business administrator stated that there will be meetings set up with the council and police officials to review the current dispatching process and system. Councilwoman Marder requested that the administration reach out to other towns who utilize the Monmouth County dispatchers and evaluate what their experience has been using that service. Councilman Milman thanked Marlboro Township's Police Department for keeping Marlboro safe during the holidays. He mentioned T-Mobile's 5G package available in the coming months. Councilwoman Marder also wish everyone happy holidays and offered updates about a blood drive, lifeguard certifications and re-certifications, and an Arbor Day celebration. She stated the Egg Hunt for Easter was a great success with a wonderful turnout of residents. The council and mayor discussed the upcoming budget adoption scheduled for a public hearing on May 19, 2022.

Administrative Report: Mayor Hornik announced that National Telecommunications Week was April 10th through April 17th. Last year, they answered more than 33,000 calls. We will be thanking them in person at a future council meeting. The Marlboro and Morganville First Aid Squads are seeking volunteers. April 30th is National Drug Takeback Day from 10 a.m. to 2 p.m. in front of Town Hall with an option of bringing unused prescriptions to the drop box located in police department's building's lobby available 24/7. The police, recreation departments and Department, Recreation, and the Marlboro Alliance will be hosting a Blood Drive on May 1st from 10 a.m. to 4 p.m., at the Recreation Center. On Saturday May 14th the annual Drive-through Free Rabies Clinic is from 10 a.m. to 12 p.m. at the Municipal Complex. The annual Arbor Day tree-planting celebration will be at the community garden and there will be a ground breaking ceremony for what is to be a newly renovated McDonalds. Marlboro was awarded \$23,601 through the NJDOT's highway safety fund for the purchase of special enforcement equipment. On April 25th, we held our third COVID Vaccine and Booster Clinic in cooperation with the Monmouth County Health Department. Last week, the Marlboro Township Police Department was alerted to a missing person who was known to be in distress. After a perimeter was set up by our patrol officers our K9 handler, Patrolman Joshua Abrahamson and his partner Bolo, responded to the scene. During an extensive search, Bolo was able to guide officers to the subject's location, where he was found unharmed. My commendations to Bolo, and to the officers involved that helped bring this incident to a successful resolution. Tomorrow morning, I'm hosting a press conference with Governor Philip Murphy in support of law enforcement battling vehicle thefts. As we continue to work together to combat vehicle theft, I remind everyone to please continue to lock your car, remove your valuables from sight, and remove your key fobs from your vehicles. Calls from residents have already led to the successful arrest of car thieves in Marlboro. If you see suspicious activity in your neighborhoods, please contact the police.

Councilman Scalea moved that the Council meeting minutes of March 24, 2022 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 3 - 0 in favor. Council President Qazi abstained and Council Vice President DiNuzzo was absent.

Councilwoman Marder introduced a motion to reschedule Ordinance #2022-003 (Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank 2022) to the May 19, 2022 Council meeting, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

ORDINANCE #2022-003

CALENDAR YEAR 2022

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

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

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

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2022 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 \$317,399.00 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 2022 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 \$1,110,896.50, and that the CY 2022 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.

Council President Qazi introduced a motion to open the public hearing for Ordinance #2022-004 (Amending Chapter 138, Article XIV of the Code of the Township of Marlboro (Schedule III: No Stopping or Standing)) seconded by Councilman Milman. As there was no one who wished to speak, a motion to close the public hearing was offered by Council President Qazi and seconded by Councilman Milman. A motion to adopt Ordinance #2022-004 was offered by Councilman Scalea and seconded by Councilwoman Marder. The ordinance was passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

ORDINANCE #2022-004

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-40 "SCHEDULE III: NO STOPPING OR STANDING", OF ARTICLE XIV OF CHAPTER 138 "VEHICLES AND TRAFFIC", OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY

BE IT RESOLVED, that Section 138-40 Schedule III entitled "No Stopping or Standing" shall be amended as follows:

Name of Street	Side	Intersection
Tennent Road	Both	From Route 79 (Main Street) to Orchard Place

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

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

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

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

- a. Business Administrator
- b. Chief Financial Officer
- c. Chief of Police
- d. Superintendent of Public Works
- e. Township Engineer
- f. Township Attorney

The following Ordinance #2022-005 (Amending and Supplementing Section 220-35 "General Provisions", of Article II of Chapter 220 "Land Use Development", of the Code of the Township of Marlboro) was introduced by reference, offered by Council President Qazi, seconded by Councilman Milman and passed on a roll call vote of 3 - 0 in favor. Councilman Scalea abstained and Council Vice President DiNuzzo was absent.

ORDINANCE #2022-005

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 220-35
"GENERAL PROVISIONS", OF ARTICLE II OF CHAPTER 220 "LAND
USE DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MARLBORO,
COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED, that Section 220-35 shall be amended as follows:

Beekeeping shall be permitted on any farm, subject to State Law and the rules and regulations adopted pursuant to said laws. Beekeeping shall not be permitted on any property not defined as a farm in Section 220-4 of this chapter or in any residential zone.

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

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

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

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

- a. Business Administrator
- b. Township Engineer
- c. Township Attorney

Council President Qazi introduced a motion removing Resolution #2022-109 (Determining the Form and Other Details of Not Exceeding \$1,027,175 General Obligation Bonds and Providing for Their Sale to the New Jersey Infrastructure Bank and the State of New Jersey, Acting By and Through the Department of Environmental Protection, Pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for Funding the Township's Harbor Road Wastewater Pump Station Project) and Resolution #2022-110 (Authorizing the Execution and Delivery of Loan Agreements to be Executed by the Township of Marlboro and Each of the New Jersey Infrastructure Bank and the State of New Jersey, Acting by and through the Department of Environmental Protection, and Further Authorizing the Execution and Delivery of an Escrow Agreement, All Pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for Funding the Township's Harbor Road Wastewater Pump Station Project) from the Consent Agenda, seconded by Councilman Milman and passed on a voice vote with 4 - 0 in favor. Council Vice President DiNuzzo was absent.

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

RESOLUTION #2022-104

AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE TOWNSHIP OF MARLBORO AS A SUBGRANTEE FOR PURPOSES OF OBTAINING FUNDING UNDER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE AND/OR HAZARD MITIGATION PROGRAMS FOR PRESIDENTIALLY-DECLARED MAJOR DISASTERS

WHEREAS, the State of New Jersey, through the Office of Emergency Management is the Grantee receiving funding under the FEMA Public Assistance and/or Hazard Mitigation programs as authorized under the Stafford Act, and the Township of Marlboro is the Subgrantee eligible for reimbursement under certain Federal programs; and

WHEREAS, the State of New Jersey has the fiduciary responsibility to ensure those funds are spent on eligible Subgrantee facilities and activities, and are properly reimbursed to the Subgrantee; and

WHEREAS, FEMA has determined that Marlboro is eligible to receive or apply for FEMA funding under the Public Assistance and/or Hazard Mitigation programs, subject to the approval of a Project Worksheet for Public Assistance or application for a Hazard Mitigation grant; and

WHEREAS, the State of New Jersey requires an updated Memorandum of Understanding which outlines the roles and responsibilities of the Grantee and Subgrantee as relate to the method of operation and awards under the above referenced FEMA programs; and

WHEREAS, the Township has historically benefited from these Federal programs which provide reimbursement dollars to offset emergency expenditures and mitigation dollars to offset improvements to critical infrastructure, and desires to remain eligible for such funding in the future.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that Mayor Jonathan L. Hornik is hereby authorized to execute, and the Municipal Clerk to witness, a Memorandum of Understanding with the State of New Jersey in a form substantially similar to that included in Exhibit A, in accordance with this resolution, and in a form to be approved by the Township Attorney.

RESOLUTION #2022-105

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO A.C. SCHULTES, INC. FOR MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its annual capital program (2021-500-5) authorized the redevelopment and rehabilitation of wells for the Water Utility Division; and

WHEREAS, the Township Water Utility and Parks Maintenance Divisions require a contract for the maintenance and service of wells and pumps; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for MAINTENANCE AND SERVICE OF WELLS AND PUMPS, and on March 30, 2022, received one (1) bid, as follows:

#	Bidder	Bid Amount
1	A.C. Schultes, Inc. 664 South Evergreen Ave, Woodbury Heights, NJ 08097	\$165,300

; and

WHEREAS, the bid submission of the sole bidder, A.C. SCHULTES, INC. of Woodbury Heights, NJ has been determined to be responsive as detailed in a April 5, 2022 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 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 A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$165,300.00 for MAINTENANCE AND SERVICE OF WELLS AND PUMPS for a period of one (1) year beginning on May 1, 2022, 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 A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$165,300.00.

BE IT FURTHER RESOLVED, that funds have been certified by the Chief Financial Officer in the amount of \$165,300.00 in Current Account #01-201-28-123-288121, Water Utility Account #05-201-55-500-288020 and Water Capital Account #06-215-16-03C-500288.

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

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

RESOLUTION #2022-106

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE JANITORIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of janitorial services for the maintenance of its public buildings, and

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

WHEREAS, the Township of Marlboro and Marlboro Board of Education ("BOE") 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 BOE has awarded a contract in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11) for janitorial services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Municipal Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

WHEREAS, the Chief Financial Officer will certify funds for the estimated contract total for the period July 1, 2022 through December 31, 2022, as follows upon adoption of the 2022 municipal budget:

Bid Item	Location	2022 budget	account
BID 1	Municipal Facilities	61,968.56	01-201-26-122-288126
Optional Service 5	Police Station	3,900.00	01-201-26-122-288126
Optional Service 7	Parks	7,500.00	01-201-23-123-288458 01-201-23-123-288409
Optional Service 8	Recreation Center	20,900.00	01-201-28-145-288475 09-201-55-400-288454
Proposed 2022		94,268.56	

; and

WHEREAS, funds for the 2023 portion of the contract estimated at \$94,268.56 will be certified by the Chief Financial Officer upon adoption of the 2023 Municipal Budget.

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 Municipal 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 Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A.
4. 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 #2022-107

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO MAZZA MULCH, INC.
FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on June 17, 2021 (Resolution #2021-198) the Township Council of the Township of Marlboro awarded a contract to MAZZA MULCH, INC. FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES 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 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 March 31, 2022, the Director of Public Works has recommended that the Township approve the first 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 renewed with MAZZA MULCH, INC. whose address is 3230A Shafto Road, Tinton Falls, New Jersey 07753 for a period of one year commencing on July 1, 2022 and expiring on June 30, 2023, in a total amount not to exceed \$243,000.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with MAZZA MULCH, 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 the Chief Financial Officer will certify funds in account 01-201-26-117-288103 for the services upon the adoption of the 2022 Operating Budget.

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

- e. MAZZA MULCH, INC.
- f. Township Business Administrator
- g. Director of Public Works
- h. Chief Financial Officer

RESOLUTION #2022-108

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation for the period between the beginning of the current fiscal year and before the adoption of the 2022 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2021 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 2022 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$26,293,890.50 for the municipal budget, \$6,877,928.08 for the operations of the water utility, and \$787,337.20 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 2022 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.

RESOLUTION #2022-111

RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 23 THROUGH JUNE 5, 2022

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that more than 14,500 lives were saved by seat belt usage nationally in the year 2021; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 23rd through June 5, 2022 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94.47% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 23 through June 5, 2022 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION #2022-112

RESOLUTION AWARDING CONTRACT TO DOT DESIGNING LLC FOR THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO, and on April 8, 2022, received one (1) bid as follows:

Bidder	Total
Dot Designing LLC 242 Possum Hollow Rd, Monroe Twp., NJ 08831	\$98,135.65

; and

WHEREAS, it has been determined by the Administration Office that the submission of the apparent sole bidder, DOT DESIGNING LLC is responsive; 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 DOT DESIGNING LLC whose address is 242 Possum Hollow Road, Monroe Township, NJ 08831 for a period of one (1) year beginning on May, 1, 2022, 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, in a total amount not to exceed \$98,135.65.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with DOT DESIGNING 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 will certify sufficient funds in the amount of \$98,135.65 for the aforesaid contract, upon the 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:

- i. DOT DESIGNING LLC
- j. Township Business Administrator
- k. Chief Financial Officer

RESOLUTION #2022-113

A RESOLUTION AWARDING CONTRACT TO SUBURBAN TRAILS, INC. FOR
COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO
RECREATION DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT, and on March 2, 2022, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

	Stout's Charter Service 20 Irven Street Trenton, NJ 08638		Suburban Transit Corp. 750 Somerset Street New Brunswick, NJ 08901	
	Per 48/p Bus	Per 56/p Bus	Per 48/p Bus	Per 56/p Bus
VARIOUS TRAVEL CAMP PROGRAM TOTAL	No Bid	76,275.31	No Bid	43,510.00
VARIOUS SENIOR PROGRAMS TOTAL	No Bid	53,446.61	No Bid	30,450.00

; and

WHEREAS, it has been determined that the submission of the apparent low bidder, Suburban Trails, Inc. is responsive and the department has advised the follow trips are anticipated for the 2022 season

Suburban Transit Corp. 750 Somerset Street New Brunswick, NJ 08901			
	# of Trips/Busses	Per 56/p Bus	Extended Price
VARIOUS TRAVEL CAMP PROGRAM TOTAL	116	Various Prices	\$116,000.00
VARIOUS SENIOR PROGRAMS TOTAL	18	Various Prices	\$16,200.00

; 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 Suburban Trails, Inc. whose address is 750 Somerset Street, New Brunswick, NJ 08901 for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT, for a contract amount at prices specified in the bid proposal not to exceed \$132,200.00 for a term of one year, 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 Suburban Trails, 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 \$132,200.00 will be certified by the Chief Financial Officer in Recreation and Swim Utility account #09-201-55-400-288485 and Current account #01-201-28-145-288471 as trips and participation levels are finalized.

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

- l. Suburban Trails, Inc.
- m. Township Business Administrator
- n. Chief Financial Officer
- o. Recreation Director

RESOLUTION #2022-114

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY
PERMIT TO GARDEN STATE FIREWORKS, INC.

WHEREAS, N.J.S.A. 21:3-1, *et seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, GARDEN STATE FIREWORKS, INC. has responded to the Township's solicitation and provided the low quotation for fireworks to be displayed at the Summer Concert Series; and

WHEREAS, GARDEN STATE FIREWORKS, INC. has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 10, 2022 (with a rain date of August 14, 2022) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to GARDEN STATE FIREWORKS, INC. to conduct a fireworks display on July 10, 2022 (with a rain date of August 14, 2022) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.* and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief of the Police and Fire Official in accordance with the above; and

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-5; and

3. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Risk Manager and Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$1,500.00 are available in Current Account 01-201-28-145-288498 for this purpose.

BE IT FURTHER RESOLVED, that funds in the remaining amount of \$4,500.00 will be certified by the Chief Financial Officer upon adoption of the 2022 Municipal Budget.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized and directed to send copies of this resolution to the following:

- a. GARDEN STATE FIREWORKS, INC.
- b. Chief of Police
- c. Local Fire District
- d. Fire Official
- e. Township Business Administrator

RESOLUTION #2022-115

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE DONATION OF FUNDS FOR
A MEMORIAL BENCH IN HONOR AND MEMORY OF NANCY HOROWITZ

WHEREAS, the Marlboro Recreation Department oversees the
Marlboro Township Alliance; and

WHEREAS, Robin S. Kollin, of 12 Stoneham Drive Livingston, NJ
has donated funds for a memorial bench in honor and memory of Nancy
Horowitz, Chairperson of the Marlboro Township Alliance; and

WHEREAS, Nancy Horowitz was the founding member and
Chairperson of the Marlboro Township Alliance for over 30 years;
and

WHEREAS, the memorial bench will be located at the Recreation
Center, 1996 Recreation Way Marlboro for all to enjoy; and

WHEREAS, the Recreation Department recommends that the
Township accept the donation; and

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

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

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

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

RESOLUTION #2022-116

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed
tax sale certificates totaling \$283,980.09 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 \$283,980.09 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>
2021-037	360.03/4	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Aquitato, Joseph & Rosalie	958.92
2020-022	176/7/C1091	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Asghar, Ali	3,411.68
2020-043	412/292	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Shikoh, Rafiuddin & Asma	2,012.53
2019-008	132/20.06	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Morgan & Murray Real Estate, LLC	47,813.68
2021-033	300.01/1	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Gillani, Nadir B.	2,872.30
2020-032	214.03/61	Beril LLC c/o Business 5.0 502 Antebellum Ln Mount Pleasant, SC 29464 Assessed Owner: Sinha, Madhukar & Shaline	11,080.28
2021-010	126/34	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Stumpf, Jeremy & Christina	2,440.28

2021-016	176/7/C0496	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Poleschuck, Boris & Nellie	2,740.41
2020-007	119/31.06	DSHC Enterprises, LLC PO Box 524 Plainsboro, NJ 08536 Assessed Owner: Falson Ln Development LLC	18,493.20
2019-038	360.01/2	Sunshine State Certificates VI 7900 Miami Lakes Drive West Miami Lakes, FL 33016 Assessed Owner: Johnson, Angelina	192,156.81

RESOLUTION #2022-117

RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY ON BEHALF OF THE MARLBORO TOWNSHIP WATER UTILITY DIVISION (MTWUD) TO FILE A PETITION OF INTERVENTION IN THE MATTER OF THE MIDDLESEX WATER COMPANY'S 2022 CASE FOR APPROVAL TO CHANGE THE LEVELS OF ITS PURCHASED WATER ADJUSTMENT CLAUSE (BPU DOCKET WR2203xxxx)

WHEREAS, the Middlesex Water Company (MWC) supplies the Marlboro Township Water Utility (MTWUD) with approximately 70% of its required water supply; and

WHEREAS, on May 20, 2021, MWC filed a petition with the New Jersey Board of Public Utilities (NJBPU) requesting an effective rate increase of approximately 61.50% for the MTWUD; and

WHEREAS, the Township intervened in the case in partnership with the Old Bridge Municipal Utilities Authority (OBMUA), and the NJBPU ultimately granted an increase of approximately 40% over two years beginning in 2022; and

WHEREAS, on March 15, 2022, MWC filed another petition with the New Jersey Board of Public Utilities (NJBPU) requesting approval to raise an additional \$3,725,535 with \$175,516 to be absorbed by the MTWUD; and

WHEREAS, if granted, this additional request will add a further financial burden on MTWUD customers who are already bearing the cost of the significant increase granted to MWC by the NJBPU in 2021.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro of the County of Monmouth that the Township Attorney on behalf of the MTWUD is hereby authorized to petition the NJBPU for permission to intervene in Docket No. WR2203.

RESOLUTION #2022-118

AUTHORIZING THE TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE OLD BRIDGE MUNICIPAL UTILITY AUTHORITY TO PROVIDE PROFESSIONAL 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 MARCH 15, 2022 (BPU Docket No. WR2203xxxx)

WHEREAS, on May 20, 2021, MWC filed a petition with the New Jersey Board of Public Utilities (NJBPU) requesting an effective rate increase of approximately 61.50% for the MTWUD; and

WHEREAS, the Township intervened in the case in partnership with the Old Bridge Municipal Utilities Authority ("OBMUA") (hereinafter collectively referred to as the "Parties"), and the NJBPU ultimately granted an increase of approximately 40% over two years beginning in 2022; and

WHEREAS, on March 15, 2022, MWC filed another petition with the New Jersey Board of Public Utilities (NJBPU) requesting approval to raise an additional \$3,725,535 with \$175,516 to be absorbed by the MTWUD (BPU Docket No. WR2203xxxx); and

WHEREAS, if granted, this additional request will add a further financial burden on MTWUD customers who are already bearing the cost of the significant increase granted to MWC by the NJBPU in 2021; and

WHEREAS, by Resolution #2022-117 approved on April 14, 2022, 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 WR2203; and

WHEREAS, 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 Township and OBMUA are 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 OBMUA has entered into agreements for the requisite professional services pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11, et seq.); and

WHEREAS, the Township and the OBMUA 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.

Business Administrator Jonathan Capp provided an overview of Resolution #2022-109 and Resolution #2022-110.

The following Resolution #2022-109 (Determining the Form and Other Details of Not Exceeding \$1,027,175 General Obligation Bonds and Providing for Their Sale to the New Jersey Infrastructure Bank and the State of New Jersey, Acting By and Through the Department of Environmental Protection, Pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for Funding the Township's Harbor Road Wastewater Pump Station Project) was introduced by reference, offered by Council President Qazi, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

RESOLUTION #2022-109

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2022 NEW JERSEY WATER BANK FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S HARBOR ROAD WASTEWATER PUMP STATION PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, determined that there existed a need within the Local Unit to acquire, construct, renovate, install or refinance the Local Unit's Harbor Road Wastewater Pump Station project (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (formerly known as the New Jersey Environmental Infrastructure Trust) (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to permanently finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bond, Series 2022, to the I-Bank (the "I-Bank Loan Bond") and General Obligation Bond, Series 2022, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,027,175, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent to be named therein.

NOW, THEREFORE, BE IT RESOLVED, by not less than a majority of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms as to be distributed by the I-Bank and the State, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Municipal Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Municipal Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Municipal Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect upon the adoption hereof.

Section 4. Upon the adoption hereof, the Local Unit's Municipal Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick, Cole & Giblin, LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

The following Resolution #2022-110 (Authorizing the Execution and Delivery of Loan Agreements to be Executed by the Township of Marlboro and Each of the New Jersey Infrastructure Bank and the State of New Jersey, Acting by and through the Department of Environmental Protection, and Further Authorizing the Execution and Delivery of an Escrow Agreement, All Pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for Funding the Township's Harbor Road Wastewater Pump Station Project) was introduced by reference, offered by Council President Qazi, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

RESOLUTION #2022-110

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,027,175 GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, PURSUANT TO THE STATE FISCAL YEAR 2022 NEW JERSEY WATER BANK FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S HARBOR ROAD WASTEWATER PUMP STATION PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, determined that there existed a need within the Local Unit to acquire, construct, renovate, install or refinance the Local Unit's Harbor Road Wastewater Pump Station project (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (formerly known as the New Jersey Environmental Infrastructure Trust) (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State fiscal year 2022 New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to permanently finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bond, Series 2022, to the I-Bank (the "I-Bank Loan Bond") and General Obligation Bond, Series 2022, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,027,175, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by not less than a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) I-Bank Loan Bond to the I-Bank in accordance with the provisions hereof and (b) Fund Loan Bond to the State in accordance with the provisions hereof, said Local Unit Bonds to be issued in the aggregate principal amount not to exceed \$1,027,175. The Local Unit Bonds have been authorized by bond ordinances numbered 2014-6, as amended by 2015-4 and 2020-13, and 2019-02 of the Local Unit (collectively the "Bond Ordinances"), which Bond Ordinance are respectively entitled "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$11,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$11,500,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME", "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2014-6 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 20, 2014, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$12,400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,400,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME", "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2014-6 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 20, 2014, AS AMENDED BY ORDINANCE NO. 2015-4 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 12, 2015, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$12,565,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,565,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME" AND "BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, APPROPRIATING \$3,035,111 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,035,111 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF" finally adopted by the Local Unit at meetings duly called and held on February 20, 2014, February 12, 2015, October 1, 2020, and February 21, 2019, respectively, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued, provided that the aggregate principal amount of the Local Unit Bonds shall not exceed \$1,027,175

- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed thirty (30) years;
- (c) The date or dates of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer. The Fund Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Municipal Clerk.

Section 5. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the forms set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of DeCotiis, FitzPatrick, Cole & Giblin, LLP, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Municipal Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 8. This resolution shall take effect upon adoption.

Section 9. Upon the adoption hereof, the Local Unit's Municipal Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick, Cole & Giblin, LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

At 7:49 p.m., Council President Qazi moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: MAY 19, 2022

OFFERED BY: SCALEA

AYES: 3

SECONDED BY: MARDER

NAYS: 0

ABSTAIN: DINUZZO AND MILMAN

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
051922

JUNED QAZI,
COUNCIL PRESIDENT