

MARLBORO TOWNSHIP COUNCIL MEETING

July 21, 2022

The Marlboro Township Council held a Council Meeting on July 21, 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 December 21, 2021; was sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on July 19, 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: Council Vice President DiNuzzo, Councilwoman Marder, Councilman Milman, Councilman Scalea and Council President Qazi.

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.

PRESENTATION: Mayor Hornik read a proclamation honoring Harry Rosenstein posthumously.

Council Speaks Out: Councilwoman Marder was very pleased with the Mayor's proclamation for Harry Rosenstein and stated that Mr. Rosenstein was a positive force in the community and may he rest in peace. Councilman Milman stated the new cricket field opening was a huge success and he was happy with the turnout. He complimented Councilman Scalea and Council President Qazi on a job well done with putting everything together for the new field and opening ceremony. Council Vice President DiNuzzo had the opportunity to go to the farmers market this past week and stated that it was a great experience but asked if there was a way to make the walk from the market vendors to the parking lot a bit safer. She suggested possibly paving or adding steps as it is on an incline and can be difficult for some to walk on. Council President Qazi stated that he is the council liaison for the Economic Development Committee and met with its members recently. He said the committee team is doing a great job and they discussed ways they could help make Marlboro Township an IT hub for new businesses. He believes this could help increase revenue for the Township. The Council President is also the Council liaison to the Department of

Public Works and met with the Director of Department of Public Works, Robert Miller. The Council President stated that Mr. Miller does a lot of wonderful work for Marlboro and its' residents. He believes that DPW is being very proactive and that they are doing a great job.

Administrative Report: Mayor Hornik began with the announcement that the recreation department is planning Marlboro's first vintage car show. He suggested that anyone with a car they would like to display at the car show to reach out to the recreation department. The annual Police National Night Out will be held on Tuesday, August 2nd from 6 p.m. to 9 p.m. at the Cambridge Square shopping Center. There will be demonstrations by police, fire and first aid, vendors and live music. This event is to celebrate the community and police partnerships. Mayor Hornik announced the roll out of a new national three-digit hotline for suicide prevention. If anyone is experiencing mental health distress or substance abuse issues, they can now call 9-8-8 for 24-hour compassionate assistance. The Morganville and Marlboro First Aid Squads are looking for volunteers. They offer free training and active members qualify for discounts on township fees and memberships. The Mayor and the Township celebrated the 70th anniversary of the Morganville First Aid Squad this month. Last year, was the 50th anniversary of service for the Marlboro First Aid Squad. Marlboro's tax bill has been delayed due to the state certifying the tax rate. As per statute, the grace period to pay taxes has been extended to August 22, 2022. Mayor Hornik announced that New Jersey Transit has chosen the Marlboro Airport as the site to test AVATAR (Autonomous Vehicle Assessment, Testing And Research) to improve community transportation in New Jersey and solve the 'first-mile, last-mile' transportation problem. This program is in cooperation with New Jersey Department of Transportation and the Monmouth County Commissioners. Since Monmouth County is currently under a heat advisory, the Mayor sent out an email with information and resources to stay safe in the heat. In closing, the Mayor stated that the farmer's market is open Sunday and is a great place to do some shopping and grab a cold brew or gelato. He wished everyone a great weekend and hopes to see everyone at the farmer's market.

Councilman Scalea moved that the Council meeting minutes of June 16, 2022 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

Councilwoman Marder introduced a motion to open the public hearing for Ordinance #2022-007 (Ordinance Authorizing General Capital Improvements and Issuance of Bonds or Notes) seconded by Councilman Scalea. The Council President asked if anyone from the public wished to speak.

John Gibardi of 1 Hudson Bay Terrace stated that the current emergency communications system needs to be replaced and that the Monmouth County's emergency communication's system would work well for the

citizen's of Marlboro Township.

John Boyle Jr. of 156 Greenwood Road is a Fire District 3 Commissioner and he has concerns with the cost of the new radio equipment his fire company would have to purchase to be compatible with the new proposed communications system. He asked that the Council take that into consideration when making their decision.

Melvin Kenduck of 58 Peasley Drive believes that it is imperative the emergency dispatching remain in house. He believes this is a safety issue and that residents will be safer if it is kept in Marlboro.

Alan Ginsberg of 71 Murry Hill Terrace stated that the dispatchers need to stay in Marlboro. The current response time is great and the system is working but does need to be upgraded. He believes the response time would increase too much if the county took over.

Judith Clifford of 19 Brookside Circle stated that she agrees with the Mayor's letter regarding the dispatcher unit staying in Marlboro. She also applauded the Council for wanting to upgrade the system but asked them to keep it in Marlboro.

Jeff Cantor of 65 School Road West stated that the county has a nice communication system but they are short on dispatchers, which would increase the response times. He believes that the council should put the investment in what we have here in Marlboro. He also asked the Council to consider purchasing new radios for the fire departments so they are not burdened with the expense.

Bradly Borr of 19 Monticello Court believes that the communications equipment needs to be upgraded and would like to keep the police dispatching in house.

Bill Kolowitz would prefer the emergency dispatchers stay local as they know the town and the people of Marlboro and the response time is too important.

John Boyle of 29 Thrasher Court stated that fire fighter safety is his number one concern. He believes that the dispatchers should go to the county as they are more experienced with the dispatching. He is not sure the dispatchers system we currently have can handle all calls for police, EMS and fire.

Councilman Scalea offered a motion to close the public hearing for this ordinance and seconded by Councilwoman Marder. A motion to adopt Ordinance #2022-007 was offered by Councilman Scalea and seconded by Councilwoman Marder. The ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2022-007

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$9,090,604 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,667,236 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, State of New Jersey (the "Township") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$9,090,604, which appropriation is inclusive of \$423,368 as the aggregate amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$9,090,604 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$8,667,236 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$8,667,236 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(a) Road and Drainage Improvements – Various Road And Drainage Improvements Which Improvements Shall Include, But Not Be Limited To, As Applicable, Improvements to Union Hill	\$2,539,800	\$2,437,550	\$102,250 (No Down Payment Is Being Provided On \$205,000)	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Road (Phase II), Improvements to Stormwater Basins, the Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, And Associated Repairing And/Or Installation Of Curb, Curb Ramps, Sidewalks, Driveway Aprons, Resetting Of Utility Castings And Drainage Grates; Check Valve And Associated Drainage Improvements; Roadway Painting, Landscaping And Other Aesthetic Improvements;			Appropriation The Union Hill Road (Phase II) Portion Of The Project As Such Portion Of The Project Is A Local Match To A New Jersey Department Of Transportation Grant Previously Appropriated)	
(b) <u>Management Information System</u> – Various Improvements to the Management Information System And The Acquisition of Management Information Equipment Including, But Not Limited To, Laser Printers and Computer Hardware and Software;	\$238,221	\$226,543	\$11,678	5 years
(c) <u>First Aid</u> –Acquisition Of Ambulance And Related Equipment and Improvements;	\$336,600	\$320,100	\$16,500	5 years
(d) <u>Police Department</u> –Acquisition of Various Non-Passenger Vehicles, Including Related Equipment;	\$207,775	\$197,590	\$10,185	5 years
(e) <u>Road Maintenance</u> – Acquisition of a Bucket Truck, Including Related Equipment;	\$326,400	\$310,400	\$16,000	5 years
(f) <u>Vehicle Maintenance</u> – Various Improvements to the Township Fueling System;	\$76,501	\$72,751	\$3,750	15 years
(g) <u>Grounds Maintenance</u> – Various Improvements To Township Buildings And Grounds Including, But Not Limited To, Complex Roof And Structural Repairs, Replacement Of Chiller Pipe And Improvements to Heating Ventilation Air Conditioning Systems Including, But Not Limited To, Replacement Of Automation System, Including Related Equipment;	\$382,500	\$363,750	\$18,750	15 years
(h) <u>Recreation</u> – Various Recreational Improvements Including, But Not Limited to, Replacement Of Synthetic Turf And Crumb Rubber, Including Related Equipment; and	\$586,500	\$557,750	\$28,750	15 years
(i) <u>911 Expenses</u> –Improvements to Police Communications System, Including	\$4,396,307	\$4,180,802	\$215,505	15 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Related Equipment.				
	TOTALS	<u>\$9,090,604</u>	<u>\$8,667,236</u>	<u>\$423,368</u>

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$8,667,236.

(d) The aggregate estimated cost of said improvements or purposes is \$9,090,604, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes in the aggregate amount of \$423,368.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The 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 of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.18 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$8,667,236 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,800,000 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 purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer 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 Township 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 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

Councilwoman Marder introduced a motion to open the public hearing for Ordinance #2022-008 (Ordinance Authorizing Water Utility Capital Improvements and Issuance of Bonds or Notes) seconded by Councilman Scalea. As there was no one who wished to speak about this ordinance, a motion to close the public hearing was offered by Councilman Scalea and seconded by Councilwoman Marder. A motion to adopt Ordinance #2022-008 was offered by Councilman Scalea and seconded by Councilman Milman. The ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2022-008

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 WATER
UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY; APPROPRIATING \$4,500,444 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$4,500,444 BONDS OR
NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section
3 of this bond ordinance are hereby authorized to be undertaken by the
Township of Marlboro, in the County of Monmouth, State of New Jersey
(the "Township") as general capital improvements. For the said
improvements or purposes stated in Section 3, there is hereby
appropriated the sum of \$4,500,444, said sum being inclusive of all
appropriations heretofore made therefor. Pursuant to the provisions
of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A.
40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"),
no down payment is required as the Water Utility of the Township is
self-liquidating.

SECTION 2. For the financing of said improvements or purposes
described in Section 3 hereof, negotiable bonds of the Township are
hereby authorized to be issued in the principal amount of \$4,500,444
pursuant to the Local Bond Law. In anticipation of the issuance of said
bonds and to temporarily finance said improvements or purposes,
negotiable notes of the Township in a principal amount not exceeding
\$4,500,444 are hereby authorized to be issued pursuant to and within
the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and
purposes for the financing of which said bonds or notes are to be issued
are various water utility improvements throughout the Township
including, but not limited to, Improvements to Various Utility
Equipment/Facilities, Water Main Replacement at Various Locations
including, but not limited to, Wyncrest Road and Brookside Circle,
Mockingbird Lane and Peacock Lane, and Nolan Road to Route 79,
Acquisition of a Pick-Up Truck with Plow, Improvements to Septic Field
at Harbor Road Water Treatment Plant, Improvements to Commercial Water
Meters, Travel Vac Valve Maintenance/Improvements, Acquisition and
Installation, as applicable, of Hydrants, Valves and Pipes; and
Acquisition and Installation, as applicable, of Computer Hardware and
Software for Offices.

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$4,500,444.

(d) The aggregate estimated cost of said improvements or purposes is \$4,500,444.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The 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 of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description,

the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 39.19 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$4,500,444 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$900,000 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 purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer 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 Township 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 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

Councilwoman Marder introduced a motion to open the public hearing for Ordinance #2022-009 (Ordinance Authorizing Recreation and Swim Utility Capital Improvements and Issuance of Bonds or Notes) seconded by Councilman Scalea. As there was no one who wished to speak about this ordinance, a motion to close the public hearing was offered by Councilman Scalea and seconded by Councilwoman Marder. A motion to adopt Ordinance #2022-009 was offered by Councilman Scalea and seconded by Councilwoman Marder. The ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2022-009

BOND ORDINANCE PROVIDING FOR VARIOUS 2022
RECREATION AND SWIM UTILITY IMPROVEMENTS, BY AND
IN THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING
\$236,348 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$224,762 BONDS OR NOTES TO FINANCE PART OF THE
COST THEREOF

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

SECTION 1. The improvements or purposes described in Section
3 of this bond ordinance are hereby authorized to be undertaken by the
Township of Marlboro, in the County of Monmouth, State of New Jersey
(the "Township") as general capital improvements. For the said
improvements or purposes stated in Section 3, there is hereby
appropriated the sum of \$236,348, which appropriation is inclusive of
\$11,586 as the aggregate amount of down payment for said improvements
or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq.
(the "Local Bond Law"). Said down payment is now available therefor by
virtue of a provision or provisions in a previously adopted budget or
budgets of the Township for down payment or for capital improvement
purposes.

SECTION 2. For the financing of said improvements or purposes
described in Section 3 hereof and to meet the part of said \$236,348
appropriation not provided for by application hereunder of said down
payment, negotiable bonds of the Township are hereby authorized to be
issued in the principal amount of \$224,762 pursuant to the Local Bond
Law. In anticipation of the issuance of said bonds and to temporarily
finance said improvements or purposes, negotiable notes of the Township
in a principal amount not exceeding \$224,762 are hereby authorized to
be issued pursuant to and within the limitations prescribed by the Local
Bond Law.

SECTION 3. (a) The improvements hereby authorized and
purposes for the financing of which said bonds or notes are to be issued
are various improvements to Township Swim Clubs and Marlboro Country
Park including, but not limited to, Resurfacing of Basketball Courts at
Marlboro Swim Club and Aquatic Center Swim Club, Resurfacing of Walkway
at Marlboro Country Park, Replacement of Awnings, Sunbrella and
Concession Stand Equipment at Marlboro Swim Club, Repair and/or
Replacement of Pool Tank Tiles at Marlboro Swim Club, Improvements to
Concrete Pool Deck at Marlboro Swim Club, Restoration of Green Space at
Marlboro Swim Club and the Acquisition of Various Recreational Equipment
including, but not limited to, Basketball Poles and Backboards.

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$224,762.

(d) The aggregate estimated cost of said improvements or purposes is \$236,348, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes in the aggregate amount of \$11,586.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The 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 of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance

is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 17.20 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$224,762 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$47,250 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 purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer 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 Township 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 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

Councilman Milman introduced a motion to open the public hearing for Ordinance #2022-010 (Ordinance Providing for the Lease Purchase Financing and Acquisition of Police Cars) seconded by Councilman Scalea. As there was no one who wished to speak about this ordinance, a motion to close the public hearing was offered by Councilman Milman and seconded by Councilman Scalea. A motion to adopt Ordinance #2022-010 was offered by Councilman Milman and seconded by Councilman Scalea. The ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2022-010

ORDINANCE PROVIDING FOR THE LEASE PURCHASE
FINANCING AND ACQUISITION OF POLICE CARS FOR AND
BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

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

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, State of New; Jersey (the "Township") hereby authorizes the lease purchase financing and acquisition of police cars for the Township pursuant to N.J.S.A. 40A:11-15(7) for a total principal cost of not to exceed \$200,000. The procurement of the police cars will be made in accordance with the Local Public Contracts Law. The rental payments will be paid over three years at an interest rate per annum to be approved by the Chief Financial Officer of the Township through a procurement process authorized herein and in accordance with law. The Chief Financial Officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including through a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or the Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and/or the Chief Financial Officer are also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

Section 3. The payment of rent or other monies due under the Lease shall be made from operating funds, subject to the availability of

funds and appropriation annually of sufficient funds as may be required to meet the obligations of the Lease, and the Lease shall contain a clause making it subject to such appropriation or shall contain an annual cancellation clause. Neither the Township nor any agency, department or political subdivision thereof shall be obligated to pay any sum to the purchaser or lessor under the Lease from any taxing source for the payment of any sums due under the Lease unless an appropriation is made in a duly approved budget of the Township. The obligations of the Township shall not constitute indebtedness of the Township or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Township in respect thereof, and the dates on which such rental payments shall be due and payable.

Section 4. The Township Council hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rental payments due on the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

Section 5. The Township Council hereby declares its intent to issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.10-2 or any successor provisions of federal income tax law.

Section 6. This ordinance shall take effect 20 days following final publication after final adoption and otherwise as provided by law.

The following resolution #2022-161 (Confirming Emergency Expenditures for Water Main Repairs) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President DiNuzzo and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-161

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

WHEREAS, the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM 1838, 2132, 2202, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2213, 2214, and 2215; and

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

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

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

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Water Utility contacted its existing emergency water main repair vendor, LUCAS CONSTRUCTION GROUP, INC., PO BOX 8939, RED BANK, NEW JERSEY, 07701 to provide the emergency repairs related to the above mentioned emergencies invoiced pursuant to the contract in an amount of \$385,344.06; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing water distribution product supplier, FERGUSON ENT., LLC, 190 Oberlin Ave, Lakewood, NJ 08701 to provide the necessary emergency water distribution products related to the above mentioned emergencies invoiced pursuant to the contract in an amount not to exceed \$66,095.90; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$451,439.96 from various water operating and capital accounts.

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

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

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

Resolution #2022-162 - Authorizing Rejection of Bid 2022-06 New and Used Model Year 2023 or Newer Type II Ambulance, Ambulance Conversion and Related Equipment was removed from the agenda.

Council President Qazi rescheduled the following resolution #2022-163 (Authorizing the Execution of a Developer's Agreement by and Between KRE Lloyd Road, LLC and the Township of Marlboro at the Site Known as Northpoint, Block 143 Lots 1.02 and 12, Lloyd Road) for consideration at the August 18th, 2022 council meeting.

The following resolution #2022-164 (Amending Professional Service Contract for Alternate Engineer / Licensed Water Services) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-164

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN T & M ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL LICENSED WATER OPERATOR SERVICES FOR THE MARLBORO WATER UTILITY DIVISION

WHEREAS, on January 6, 2022, the Township Council adopted Resolution #2022-014 authorizing a contract for PROFESSIONAL LICENSED WATER OPERATOR SERVICES with T & M Associates for a period of six months; and

WHEREAS, the Township requires an additional six months of licensed water operator services in accordance with the same terms and conditions as specified in its Proposal of October 28, 2021 and letter dated January 5, 2022; and

WHEREAS, the Township of Marlboro and T & M 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 an additional two months at a fee not to exceed \$6,600.00, as further described and set forth in T & M Associates' Proposal dated October 28, 2021 and letter dated January 5, 2022, attached hereto and made a part hereof; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$6,600.00 are available in Operating Account 05-201-55-500-288020 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 T & M Associates to provide the required additional Professional Services for the Service 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 an amendment to the Professional Services Contract between T & M Associates and the Township of Marlboro, to expand the scope of services to include licensed water operator services for an additional six months at a fee not to exceed \$6,600.00 for such Professional Services, as further described and set forth in T & M Associates' Proposal dated October 28, 2021 and letter dated January 5, 2022, 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 and 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 \$6,600.00 for such additional Professional Services for the service 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. T & M Associates
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

Councilwoman Marder introduced a motion to open the public hearing the FY2023 Application Community Development Block Grant (CDBG) Program - Road Improvements to Greenbriar this was seconded by Councilman Milman. As there was no one who wished to speak about this ordinance, a motion

to close the public hearing was offered by Councilman Scalea and seconded by Councilwoman Marder.

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

RESOLUTION #2022-165

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1328-33-015-013 ISSUED TO JRJ HOSPITALITY INC. T/A NONNA'S

WHEREAS, application was made to the Township of Marlboro ("Township") by JRJ Hospitality Inc. T/A Nonna's ("Applicant") for a place-to-place transfer of Plenary Retail Consumption License Number 1328-33-015-013 ("License") which is to be sited at 448 Route 9 North, Englishtown, NJ 07726 (the "Premises");and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the place to place transfer of the aforesaid plenary retail consumption license.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by JRJ Hospitality Inc. T/A Nonna's, license number 1328-33-015-013 for a place to place transfer of Plenary Retail Consumption License be and is hereby approved. The effective date of this approval shall be July 21, 2022.

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

- a. JRJ Hospitality Inc. T/A Nonna's 448 Route 9 North, Englishtown, NJ 07726
- b. Township Administrator
- c. Township Building Department
- d. Township Zoning Officer
- e. Township Police Department
- f. Township Attorney
- g. NJ ABC

RESOLUTION #2022-166

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO FOLEY, INC. FOR THE PROVISION OF GENERATOR RENTAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 10, 2020 (Resolution #2020-264) the Township Council of the Township of Marlboro awarded a contract to FOLEY, INC.

FOR THE PROVISION OF GENERATOR RENTAL 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 (1) two-year, or (2) two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on August 19, 2021 (Resolution #2021-260) the Township Council of the Township of Marlboro approved the first one-year extension of the contract; and

WHEREAS, in a memo dated June 30, 2022, the Director of Public Works has recommended that the Township approve a second and final 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 to FOLEY, INC., whose address is 855 Centennial Ave., Piscataway, NJ 08855 be extended for a period of one (1) year beginning on November 1, 2022 through October 31, 2023 in a total 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, contract with FOLEY, INC. 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 \$50,310.00 are Water Utility Operating Account No. 05-201-55-500-215020 for the services for 2022.

BE IT FURTHER RESOLVED, funds for the 2023 portion in an amount of \$56,520.00 will be certified at the time of adoption of the 2023 municipal budget; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract extension with FOLEY, INC. in accordance with this resolution.

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

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

RESOLUTION #2022-167

A RESOLUTION RE-AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE WESTERN MONMOUTH UTILITIES AUTHORITY TO PROVIDE FOR SNOW PLOW OPERATOR CONTRACT SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 9, 2021 (Resolution #2021-288) the Township Council of the Township of Marlboro authorized a shared services agreement with the Western Monmouth Utilities Authority to provide for SNOW PLOW OPERATOR CONTRACT SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, in a memo dated June 30, 2022, the Director of Public Works has recommended that the Township re-authorize the agreement for snow plow operator contract services; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the shared services agreement be re-authorized with Western Monmouth Utilities Authority whose address is 103 Pension Road, Manalapan, NJ 07726 for a one (1) year period beginning on December 1, 2022, through November 30, 2023, for an amount not to exceed \$24,000.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a shared services agreement with Western Monmouth Utilities Authority in accordance with this resolution, 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 \$12,000.00 for the aforesaid contract in Reserve Account #11-228-55-020.

BE IT FURTHER RESOLVED, funds for the 2023 portion in an amount of \$12,000.00 will be certified at the time of adoption of the 2023 municipal budget.

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

- a. Western Monmouth Utilities Authority
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2022-168

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR FY2023
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR IMPROVEMENTS TO MURRAY
HILL TERRACE

WHEREAS, the US Department of Housing and Urban Development is sponsoring the FY2023 Community Development Block Grant (CDBG) program which will provide funding through a consortium of Monmouth County municipalities of which Marlboro is a member; and

WHEREAS, the Township has been advised that it is eligible to apply for funding for Improvements to Murray Hill Terrace; and

WHEREAS, the Department of Public Works has identified several roadway and drainage improvements that are required within the Greenbrier Development which may be eligible for funding; and

WHEREAS, the Township of Marlboro is interested in seeking out alternative sources of funding for public improvements; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro wish to apply for funding under the FY2023 CDBG Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a grant application for FY2023 CDBG funding for Improvements to Murray Hill Terrace.

RESOLUTION #2022-169

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE
SITE IMPROVEMENTS AT THE SITE KNOWN AS AVET BROTHERS - THOMAS
LANE, BLOCK 106, LOTS 6.01, 6.02 AND 6.03, LOCATED AT 13, 15, AND
17 THOMAS LANE, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Davit Sargsyan for the release of the Township held Performance Guarantees in the form of a Performance Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "Avet Brothers - Thomas Lane" (the "Site"), property known as Block 106, Lots 6.01, 6.02, AND 6.03, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Davit Sargsyan (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 1, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Bond and Cash Deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the Performance Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated June 1, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Performance Bond and Cash Deposit posted by the Developer, Avet Brothers, for the site known as Avet Brothers - Thomas Lane, located on property known as Block 106, Lots 6.01, 6.02, 6.03, Township of Marlboro, New Jersey, shall be released as follows:

1. Performance Bond (First Indemnity of America Insurance Company, Bond No. (RU101329) in the original and present amount of \$28,681.84, shall be released in its entirety; and
2. The Cash Deposit (Account No. BE-20-881), in the original and present amount of \$3,186.87 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$3,983.59.

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

- a. Avet Brothers, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

RESOLUTION #2022-170

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS, AT THE SITE KNOWN AS TUSHARKUMAR MISTRY, BLOCK 175, LOT 25, LOCATED AT 8 COUNTY ROUTE 520, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Tusharkumar N Mistry MD for

the release of the Township held Performance Guarantees in the form of a Performance Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "Tusharkumar Mistry" (the "Site"), property known as Block 175, Lot 25, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Tusharkumar Mistry (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 14, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Bond and Cash Deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the Performance Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated June 14, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Performance Bond and Cash Deposit posted by the Developer, Oak Hill at Marlboro, LLC, for the site known as Tusharkumar Mistry, located on property known as Block 175, Lot 25, Township of Marlboro, New Jersey, shall be released as follows:

3. Performance Bond (The Guarantee Company of North America USA, Bond No. 14152441) in the original and present amount of \$12,512.90, shall be released in its entirety; and
4. The Cash Deposit (Account No. BE-18-872), in the original and present amount of \$1,390.32 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$1,737.90.

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

- a. Tusharkumar N Mistry MD
- b. The Guarantee Company of North America USA

- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

RESOLUTION #2022-171

RESOLUTION AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE FOR THE SITE AND WATER IMPROVEMENTS AT THE SITE KNOWN AS CHELSEA CENTER WEST, BLOCK 150, LOT 8, LOCATED AT 429 Highway 79, TOWNSHIP OF MARLBORO, NEW JERSEY 07751

WHEREAS, SHIFRA Associates, LLC (the "Developer") has completed the outstanding improvements and the Township of Marlboro has received a request from Mr. Jason Kahane for the release of the Township held Temporary Certificate of Occupancy Guarantee in the form of a Cash Deposit for the site improvements ("Site Improvements") and water improvements ("Water Improvements") on the Site known as "Chelsea Center West" (the "Site"), property known as Block 150, Lot 8, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by the Developer, SHIFRA Associates, LLC; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 29, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Cash Deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the Cash Deposit amount in accordance with the recommendation of the Township Engineer's report dated June 29, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Temporary Certificate of Occupancy Guarantee in the form of a Cash Deposit posted by the Developer, SHIFRA Associates, LLC for the site known as Chelsea Center West, located on property known as Block 150, Lot 8, Township of Marlboro, New Jersey, shall be released as follows:

- 5. The Cash Deposit (Columbia Bank, Check No. 95), in the original and present amount of \$109,995.60 (excludes accrued interest), shall be released in its entirety.

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

- a. SHIFRA Associates, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer

RESOLUTION #2022-172

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 2022 in the sum of \$23,822.28, which has been received by the municipality for the "2022 Recycling Tonnage" Grant.

BE IT FURTHER RESOLVED, that the amount of \$23,822.28 be hereby appropriated under the caption "2022 Recycling Tonnage" Grant.

RESOLUTION #2022-173

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 2022 in the

sum of \$95,258.58, which has been received by the municipality for the "2022 Clean Communities" Grant.

BE IT FURTHER RESOLVED, that the amount of \$95,258.58 be hereby appropriated under the caption "2022 Clean Communities" Grant.

RESOLUTION #2022-174

AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE TOWNSHIP OF MARLBORO AS A PARTICIPATING AGENCY OF THE NEW JERSEY ALL-HAZARDS INCIDENT MANAGEMENT TEAM SETTING FORTH THE PARAMETERS OF ENGAGEMENT FOR EMERGENCY RESPONSE ACTIVITIES

WHEREAS, the New Jersey Office of Emergency Management (NJOEM) is the lead agency in New Jersey responsible for coordinating the State's preparedness, response and recovery operations for all hazards impacting the State; and

WHEREAS, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §§ 5121-5208), and in accordance with the requirements of U.S. Department of Homeland Security Presidential Directives 5 and 8, New Jersey must establish a single, comprehensive approach to domestic incident management to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies under the National Incident Management System (NIMS); and

WHEREAS, New Jersey has adopted NIMS as the State standard for incident management and mandated its use for all emergency incidents in the State; and

WHEREAS, NJOEM Directive 105, effective June 12, 2018, established the New Jersey All-Hazards Incident Management Team (NJ-AHIMT or "the Team"), a comprehensive Statewide resource, to assist federal, state, county or municipal agencies or offices of emergency management, by providing incident support and incident management functions, in response to a domestic incident, disaster or emergency; and

WHEREAS, this Agreement is intended to set forth the roles and responsibilities of NJOEM, the Participating Agency, and the Participating Team Members in engaging in preparatory and response activities; and

WHEREAS, the Mayor and Township Council wish to ensure that the Township of Marlboro is in the best position to prevent, prepare for, respond to and recover from emergencies, and recognizes that coordinated incident management through the New Jersey Office of Emergency Management is critical in this regard.

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 #2022-175

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 2022 in the sum of \$10,500.00, which has been received by the municipality for the "2022 Distracted Driving" Grant.

BE IT FURTHER RESOLVED, that the amount of \$10,500.00 be hereby appropriated under the caption "2022 Distracted Driving" Grant.

RESOLUTION #2022-176

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 2022 in the

sum of \$7,000.00, which has been received by the municipality for the "2022 Click it or Ticket" Grant.

BE IT FURTHER RESOLVED, that the amount of \$7,000.00 be hereby appropriated under the caption "2022 Click it or Ticket" Grant.

RESOLUTION #2022-177

AUTHORIZING GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY SAFETY FUND PROJECT

WHEREAS, the NJ Division of Highway Traffic Safety offers, on an annual basis, federal grant funding to agencies that wish to undertake programs designed to reduce motor vehicle crashes, injuries, and fatalities on the roads of New Jersey, and

WHEREAS, the Township Council desires to apply for grant funding.

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

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as HSF-2022-Marlboro Township-00063 to the New Jersey Department of Transportation on behalf of The Township of Marlboro.

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

RESOLUTION #2022-178

AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR THE OFFICE OF JUSTICE PROGRAMS BULLETPROOF VEST PARTNERSHIP GRANT ACT, U.S. DEPARTMENT OF JUSTICE (BVP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2022 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and

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

WHEREAS, \$11,649.40 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests due for officers during years August 2022 to August 2023; and

WHEREAS, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

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 a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2022 Bulletproof Vest Partnership.

RESOLUTION #2022-179

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$215,168.57 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 \$215,168.57 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>
2021-026	214.03/4	Evolve Bank & Trust 6070 Poplar Ave, Suite 200 Memphis, TN 38119 Assessed Owner: Simanovsky, Dimitry	202,424.04
2021-034	300/31	Trystone Capital Assets LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Martiak, Erick	2,753.45
2020-015	160/44	Bernie K. Brevdeh 881 Circle Avenue Franklin Lakes, NJ 07417 Assessed Owner: Turturea, Kathy	6,187.14

2021-008 120.02/38 Fig Cust FIGNJ19 LLC 3,803.94
 PO Box 54226
 New Orleans, LA 70154
 Assessed Owner:
 Herz, Shimshon

RESOLUTION #2022-180

REFUND OF TAX OVERPAYMENT

WHEREAS, the attached list in the amount of \$2,525.35 known as Schedule "A", is comprised of amounts representing overpayments for taxes,

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

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>REFUND</u>
300/41	McEwan, John & Norma c/o River Edge Title 252 Main St, 1 st Floor Metuchen, NJ 08840	\$2,525.35

RESOLUTION #2022-181

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE WATER UTILITY IMPROVEMENTS AT THE SITE KNOWN AS RECOVERY MANAGEMENT SYSTEMS, BLOCK 157, LOT 34.02, LOCATED AT 80 CONOVER ROAD, TOWNSHIP OF MARLBORO

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Joseph Koehler for the release of the Township held Performance Guarantees in the form of a Performance Bond for the water utility improvements ("Water Improvements") on the Site known as "Recovery Management Systems" (the "Site"), property known as Block 157, Lot 34.02, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by The State of New Jersey Division of Property Management and Construction (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated July 7, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the performance bond amount being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance bond amount in accordance with the recommendation of the Township Engineer's report dated July 7, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee in the form of a Performance Bond posted by the Developer, The State of New Jersey Division of Property Management and Construction, for the site known as Recovery Management Systems, located on property known as Block 157, Lot 34.02, Township of Marlboro, New Jersey, shall be released as follows:

6. The Performance Bond (Surety Program Group, Bond No. POA1002324), in the original and present amount of \$1,214,340.00, shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$151,792.50; and

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

- a. Mott MacDonald
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. Kurt Eifert, PE, Township Water Utility Division

RESOLUTION #2022-182

RESOLUTION AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE FOR THE SITE AND WATER IMPROVEMENTS AT THE SITE KNOWN AS 55 WILLOW LANE ASSOCIATES, LLC, BLOCK 269, LOTS 14 AND 15, LOCATED AT 55 WILLOW LANE, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, 55 Willow Lane Associates, LLC (the "Developer") has completed the outstanding improvements and the Township of Marlboro has received a request from Mr. Steve Blitzer for the release of the Township held Temporary Certificate of Occupancy Guarantee in the form of a Cash Deposit for the site improvements ("Site Improvements") and water improvements ("Water Improvements") on the Site known as "55 Willow Lane Associates, LLC" (the "Site"), property known as Block

269, Lots 14 and 15, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by the Developer, 55 Willow Lane Associates, LLC; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 8, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Cash Deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the Cash Deposit amount in accordance with the recommendation of the Township Engineer's report dated June 8, 2022.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Temporary Certificate of Occupancy Guarantee in the form of a Cash Deposit posted by the Developer, 55 Willow Lane Associates, LLC for the site known as 55 Willow Ln, located on property known as Block 269, Lots 14 and 15, Township of Marlboro, New Jersey, shall be released as follows:

7. The Cash Deposit (Provident Bank of New Jersey, Check No. 1096), in the original and present amount of \$4,548.00 (excludes accrued interest), shall be released in its entirety.

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

- a. 55 Willow Lane Associates, LLC
- b. Provident Bank of New Jersey
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

At 8:11 p.m., Councilman Scalea introduced a motion to go into executive session about possible litigation with 606 Robert Court. This was seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo voted no.

RESOLUTION #2022-183

CLOSED EXECUTIVE SESSION

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 21ST day of July, 2022 to enter into a closed executive session for the purpose of discussing an item that is particularly exempt from the Open Public Meetings Act, namely potential litigation.

BE IT FURTHER RESOLVED, that the governing body shall adjourn to a closed executive session for the purpose of discussing said aforementioned item and that such closed executive session should take approximately 20 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:32 p.m., Councilman Scalea offered a motion to return to regular business, which was seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

Citizen's Voice: Walter Solomon of 43 Samantha Drive discussed his ongoing concerns with the construction at 606 Robert Court and the inspection process by the Township.

Alan Ginsburg of 71 Murray Hill Terrace believes the prior councilmembers did a great job in office and would like them to be recognized for all the good they did for the Township of Marlboro and its residents.

John Gibardi of 1 Hudson Bay Terrace, introduced the new chairman of Marlboro Township's Republican Party, Renzo Kolenovic.

At 8:45 p.m., Council Vice President DiNuzzo moved that the meeting be adjourned. This was seconded by Councilman Milman, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: AUGUST 18, 2022

OFFERED BY: MILMAN

AYES: 4

SECONDED BY: MARDER

NAYS: 0

ABSENT: SCALEA

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
081822

JUNED QAZI,
COUNCIL PRESIDENT