

MARLBORO TOWNSHIP COUNCIL MEETING
October 15, 2020

The Marlboro Township Council held its regularly scheduled meeting remotely on October 15, 2020 at 7:00 P.M.

Council President Mazzola opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 7, 2020; published in the Asbury Park Press on January 9, 2020; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

Also present: Mayor Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Chief Financial Officer Lori Russo, and Municipal Clerk Susan A. Branagan by conference call.

Councilman Metzger moved that the minutes of October 1, 2020 be approved. This was seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Abstain: Councilwoman Marder).

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

RESOLUTION #2020-268

RESOLUTION OF THE TOWNSHIP OF MARLBORO REGARDING
EMERGENCY REMOTE MEETING PROTOCOL, PROCEDURES AND REQUIREMENTS FOR
PUBLIC PARTICIPATION AT REMOTE MEETINGS AND RULES OF DECORUM FOR
PUBLIC PARTICIPATION AT ALL PUBLIC OR REMOTE PUBLIC MEETINGS

WHEREAS, the purpose of the emergency regulations codified as N.J.A.C 5:39-1 et seq., Emergency Remote Meeting Protocol for Local Public Bodies, are to ensure that local public bodies can continue to

conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a "Declared Emergency" means a public health emergency pursuant to the Emergency Health Powers Act (N.J.S.A. 26:13-1 et seq), or a state of emergency, pursuant to N.J.S.A. App. A: 9-33 et seq., or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, no in-person meeting shall proceed if the room capacity does not permit any member of the public to attend; and

WHEREAS, pursuant to N.J.A.C 5:39-1 et seq., if the Township of Marlboro holds a remote meeting to conduct public business they shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public meeting being held and shall at minimum, not be limited to fewer than fifty (50) public participants, beyond those persons required to conduct business at the meeting; and

WHEREAS, remote public meetings will be held by the Township of Marlboro in audio and the public shall also have an opportunity to participate in the meeting in audio capacity pursuant to N.J.A.C 5:39-1.4(c) and the Council shall additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Township of Marlboro holds a remote public meeting, they shall allow members of the public to make public comment by audio; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video as well as audio and all individuals giving sworn testimony shall appear by video in addition to audio; and

WHEREAS, any presentation or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website of the Township of Marlboro; and

WHEREAS, in addition to making public comments at any remote public meeting, the Township Council of the Township of Marlboro, in advance of the remote meeting shall allow public comments to be submitted to the Township Clerk by electronic mail and in written letter form which shall be received by the Clerk 72 hours prior to the scheduled meeting date, said deadline shall have been be established and posted on the website in advance of any remote public meeting; and

WHEREAS, public comments submitted 72 hours prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, a reasonable time limit on public comments shall be placed on the reading of written comments, which shall be read from beginning until the time limit is reached; and

WHEREAS, the Township Council has the discretion to pass over duplicative written comments, however each comment shall be noted for the record with the content summarized; and

WHEREAS, if the Township Council elects to summarize duplicative comments, the Council will not summarize certain duplicative comments while reading other duplicative comments individually; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Township of Marlboro to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the requirements of N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, in addition to adequate notice, the Township of Marlboro shall also provide electronic notice of a remote public meeting except as may be permitted N.J.S.A. 19:4-9.3 and N.J.A.C. 5:39-1.5(c) and shall contain the content required under N.J.S.A. 10:4-8 and N.J.A.C. 5:39-1.5(a) and shall be posted on the internet website of the Township of Marlboro; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

WHEREAS, at the commencement of a remote public meeting the Council President shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason it was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting of the Township Council shall provide notice and make a copy of the agenda available to the public for download on the Township of Marlboro website as well as posting notice of the meeting at the building where the meeting would otherwise be held prior to the commencement of the remote meeting, including posting notice of the meeting at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and respect for an open, fair and informed decision-making process, the Township Council recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and the Township Council's decision making, it has been decided that policies and rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Council President shall direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking

during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the standards and procedures for emergency remote meeting protocol as set forth in this resolution and as codified at N.J.A.C. 5:39-1 et seq., are hereby established.

BE IT FURTHER RESOLVED, that procedures and requirements for public participation are hereby established in order to safeguard public participation in any public or remote public meetings in the Township of Marlboro and shall apply to all members of the public in attendance at any public or remote public meeting that is open to the public in the Township of Marlboro.

RESOLUTION # 2020-269

A RESOLUTION AUTHORIZING ACCEPTANCE
OF EQUIPMENT DONATION
FOR MARLBORO TOWNSHIP COVID-19 PREPAREDNESS

WHEREAS, various entities detailed on the attached schedule have made various donations to Marlboro Township for COVID-19 pandemic response; and

WHEREAS, there have been no promises 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 donations as described herein are hereby accepted.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby extends its thanks and appreciation to the donors for supporting Marlboro Township's COVID-19 pandemic response.

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. Chief of Police

RESOLUTION #2020-270

A RESOLUTION REAUTHORIZING 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, 2019 (R.2019-285) 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 September 30, 2020, the Director of Public Works has recommended that the Township reauthorize 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 reauthorized with Western Monmouth Utilities Authority whose address is 103 Pension Road, Manalapan, NJ 07726 for a one (1) year period beginning on December 1, 2020, through November 30, 2021, for an amount not to exceed \$21,000.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township 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 \$10,500.00 for the aforesaid contract in Current Account #01-201-26-119-288105.

BE IT FURTHER RESOLVED, funds for the 2021 portion in an amount of \$10,500.00 will be certified at the time of adoption of the 2020 municipal budget; and

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 #2020-271

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

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on September 30, 2020, received one (1) bid received as follows:

BASE BID		No Set up Fee/Hourly Rate Only							
Bidder	Vehicle	# of Vehicles			Equipment Cost	Labor Cost	Fuel Cost	Insurance Cost	TOTAL RATE
Tri County Turf, LLC	Class 1	3			\$272.00	\$61.00	\$15.00	\$83.00	\$431.00 /hr
	Class 2	No Bid			No Bid	No Bid	No Bid	No Bid	No Bid /hr
	Class 3	2			\$150.00	\$50.00	\$20.00	\$20.00	\$240.00 /hr
ALTERNATE BID #2		Set up Fee + Hourly Rate							
Bidder	Vehicle	# of Vehicles	Set up Fee	TOTAL SET UP FEE	Equipment Cost	Labor Cost	Fuel Cost	Insurance Cost	TOTAL RATE
Tri County Turf, LLC	Class 1	3	\$3,300.00	\$9,900.00	\$190.00	\$61.00	\$15.00	\$44.00	\$310.00 /hr
	Class 2	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid /hr
	Class 3	2	N/A	N/A	\$150.00	\$50.00	\$20.00	\$20.00	\$240.00 /hr

; and

WHEREAS, in a memo dated October 5, 2020, the Department of Public Works has reported that Tri County Turf, LLC is responsive and has recommended that a contract for Class I and Class III for an amount not to exceed \$122,700.00 based upon 80 hours be awarded to Tri County Turf, LLC, 81 John White Road, Cranbury, NJ, 08512:

	#	Hourly rate	Set up/per vehicle	Set-up	Hourly	Total
Class I	3	310	3,300.00	9,900.00	74,400.00	84,300.00
Class II	0	0	0.00	0.00	0.00	0.00
Class III	2	240	0.00	0.00	38,400.00	38,400.00
						122,700.00

; and

WHEREAS, by the Township Council of the Township of Marlboro, that contracts be awarded for 2020-2021 snow plowing services for a term of one (1) year plus two (2) single option years at the Township's sole discretion; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded to Tri County Turf, LLC, whose address is 81 John White Road, Cranbury, NJ, 08512 for an amount not to exceed \$122,700.00 for the PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW).

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

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds in the amount of \$21,180.00 are available in Current Account No. 01-201-26-119-288105 for the services for 2020.

BE IT FURTHER RESOLVED, funds for the 2021 portion of the contract totaling \$122,700.00 will be made available and certified by the Chief Financial Officer upon adoption of the 2021 municipal budget.

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

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

RESOLUTION #2020-272

WHEREAS, the Township of Marlboro has received and completed the "2020 Best Practices Inventory" sent out on September 22, 2020 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 24 out of a possible 24.5; and

WHEREAS, the high percentage of positive responses on the 2020 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

WHEREAS, the Best Practices exercise, now in effect for the last eleven years, has reflected completely positively on the municipal operations of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby acknowledges review of the 2020 Best Practices Inventory and hereby confirms the submission to the State of New Jersey.

RESOLUTION #2020-273

DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,027,175, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE TOWNSHIP OF MARLBORO IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK CONSTRUCTION FINANCING PROGRAM AND IN CONNECTION WITH THE TOWNSHIP'S HARBOR ROAD WASTEWATER PUMP STATION PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to construct the Township's Harbor Road Wastewater Pump Station project (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the "Infrastructure Financing Program") of the New Jersey Infrastructure Bank (f/k/a New Jersey Environmental Infrastructure Trust) (the "I-Bank");

WHEREAS, the Local Unit has determined to temporarily finance the construction of the Project prior to the closing with respect to the Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the "Construction Loan") to the Local Unit, pursuant to the Water Bank Construction Financing Program of the I-Bank (the "Water Bank Construction Financing Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Water Bank Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the "Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank" in a principal amount of up to \$1,027,175 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank 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"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Local Unit (not less than a majority of the full membership of the Township Council affirmatively concurring) as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and 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 Ordinances 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 hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

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 Note by the parties authorized pursuant to Section 4(h) hereof.

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

- (a) the principal amount of the Note to be issued shall be an amount up to \$1,027,175;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "NJWB-1" or such other number as determined by

the Chief Financial Officer upon consultation with the I-Bank;

- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer of the Local Unit (each, an "Authorized Officer" and, collectively, the "Authorized Officers") under the official seal or a facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of DeCotiis, FitzPatrick, Cole & Giblin, LLP, is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Water Bank Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit 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 Clerk of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Water Bank Construction Financing Program, 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 of the Note and the participation of the Local Unit in the Water Bank Construction Financing Program.

Section 8. This resolution shall be effective upon Bond Ordinance No. 2020-13 taking effect in accordance with the Local Bond Law.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to William R. Mayer, Esq., DeCotiis, FitzPatrick, Cole & Gibling, LLP, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

RESOLUTION # 2020-274

A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO MAJOR WORLD CDJR, LLC FOR THE PURCHASE OF THREE (3) VEHICLES FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2020 Capital program (106-2. 1) authorized the purchase of a replacement vehicles for the Marlboro Township Division of Police; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF POLICE VEHICLES FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE, and on September 15, 2020, received two (2) bid received as follows:

A. One 2018 or Newer Dodge Charger Pursuit V8 AWD	Year	Total
Major World CDJR, LLC	2020	\$28,465.00
Buhler	2018	\$26,335.00
B. One 2018 or Newer Dodge Charger Pursuit V8 AWD	Year	Total
Major World CDJR, LLC	2020	\$28,567.00
Buhler		\$ -
C. One 2018 or Newer Dodge Charger Pursuit V8 AWD	Year	Total
Major World CDJR, LLC	2020	\$28,567.00
Buhler		\$ -
D. One 2018 or Newer Dodge Charger Pursuit V8 AWD	Year	Total
Major World CDJR, LLC		\$ -
Buhler		\$ -
Grand Total		
Major World CDJR, LLC		\$85,599.00
Buhler		\$26,335.00

; and

WHEREAS, the bid received from Buhler was unresponsive due to the

failure of the bidder to provide:

- a. A guarantee to accompany the bid pursuant to section 21 of P.L.1971, c.198 (C.40A:11-21);
- b. A certificate from a surety company pursuant to section 22 of P.L.1971, c.198 (C.40A:11-22);
- c. A statement of corporate ownership pursuant to section 1 of P.L.1977, c.33 (C.52:25-24.2);
- d. A listing of subcontractors pursuant to section 16 of P.L.1971, c.198 (C.40A:11-16);
- e. A document provided by the contracting agent in the bid plans, specifications, or bid proposal documents for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents; and

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2 (Required mandatory items for bid plans, specification), the failure to submit these required documents at the time specified for the receipt of bids shall be deemed a fatal defect that shall render the bid proposal unresponsive; and

WHEREAS, in a memo dated October 2, 2020, the Division of Police has reported that Major World CDJR, LLC is responsive and has recommended that a contract for three (3) 2018 or Newer Dodge Charger Pursuit V8 AWD for an amount not to exceed \$85,599.00 be awarded to Major World CDJR, LLC, 50-30 Northern Boulevard, Long Island City, NY 11101; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded to Major World CDJR, LLC, 50-30 Northern Boulevard, Long Island City, NY 11101 for an amount not to exceed \$85,599.00 for THE PROVISION OF POLICE VEHICLES FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in an amount not to excess \$85,599.00 from Capital Account #04-215-20-08A-106297.

BE IT FURTHER RESOLVED, that a certified copy of this

Resolution shall be provided to each of the following:

- a. Major World CDJR, LLC
- b. Business Administrator
- c. Chief of Police
- d. Chief Financial Officer

RESOLUTION #2020-275

WHEREAS, tax sale certificates sold at the 2020 Tax Lien Sale included delinquent water charges in the amount of \$42.86 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned water charges in the amount of \$42.86 be refunded to the Marlboro Township Water Utility Division.

RESOLUTION #2020-276

WHEREAS, delinquent sewer charges totaling \$55,748.55 were paid to the Township on behalf of Western Monmouth Utilities Authority to avoid tax sale as per Schedule "A",

WHEREAS, an adjustment of \$40.00 has been made to the total to be refunded to the WMUA for a Cost of Sale fee collected by the WMUA for Block 213 Lot 33,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$55,708.55 be refunded to Western Monmouth Utilities Authority.

RESOLUTION #2020-277

WHEREAS, tax sale certificates sold at the 2020 Tax Lien Sale included delinquent sewer charges in the amount of \$24,801.87 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$24,801.87 be refunded to the W.M.U.A.

RESOLUTION #2020-278

WHEREAS, tax sale certificates sold at the 2020 Tax Lien Sale included delinquent zoning charges in the amount of \$12,699.39 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned zoning charges in the amount of \$12,699.39 be refunded to the Marlboro Township Zoning Department

At 7:10 p.m., Councilwoman Marder that the meeting be adjourned. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: NOVEMBER 12, 2020

OFFERED BY: SCALEA AYES: 5

SECONDED BY: CANTOR NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
111220

CAROL MAZZOLA,
COUNCIL PRESIDENT