

MARLBORO TOWNSHIP COUNCIL MEETING

April 20, 2023

The Marlboro Township Council held its regularly scheduled meeting on April 20, 2023 at 7:00 P.M. at the Marlboro Township 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 sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on April 18, 2023; published in the Asbury Park Press on November 16, 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 (via conference call) 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

Mayor Hornik requested a moment of silence for Matthew Friedman who passed away on April 12, 2023. Matthew was a Marlboro resident and volunteer with the Marlboro First Aid Squad. The Mayor also offered his condolences to the Friedman family.

Council Speaks Out: All of the Councilmembers offered their condolences to the Friedman Family for their loss. Councilwoman Marder wished everyone a wonderful Passover and Easter. She asked that everyone be more mindful while driving because the weather is getting warmer and there will be more children running and biking outside. Councilman Scalea hoped everyone enjoyed the holiday and spring break. Councilman Milman congratulated Allen Miller on Mayor Hornik's proclamation for his contributions to the Morganville First Aid Squad. He welcomed Mayor Susan Cohen of Manalapan Township who was in attendance. Council Vice President DiNuzzo thanked the Township First Aid squads and dispatchers for their dedication to Marlboro Township residents. Council President Qazi provided updates concerning the Township Police and Public Works departments.

Administration Report: The Mayor presented Alan Miller of the Morganville First Aid Squad with an award for breaking the all-time record for the most calls by any member of the Morganville First Aid Squad. In honor of Public Safety Telecommunications Week, Mayor Hornik presented a proclamation to the Marlboro Township Dispatch Unit who took more than 36,470 calls in 2022, up from 33,000 in 2021. The Mayor thanked both Alan Miller and all of the dispatchers for their hard work and dedication to the residents of Marlboro Township. The Shade Tree Commission will be celebrating Earth Day and Arbor Day on Saturday, April 29 at the community garden. The Mayor asked the Council for their support on agenda items such as the grant from the New Jersey Department of Community Affairs to upgrade existing play equipment and surfaces at parks throughout the Township. Mayor Hornik offered his support for consent agenda items such as the Nolan Road Parks improvements, which were completed with Monmouth County Open Space grant funds as well as the award of bid for improvements to Clubhouse Lane in Greenbriar which included drainage, roads and sidewalks and installation of ADA curb ramps and traffic striping. In closing, the Mayor asked everyone to keep long-time resident, Carol Abaya, in their thoughts as she is not well and is at home surrounded by her family.

Councilwoman Marder moved that the Council meeting minutes of March 16, 2023 be approved. This was seconded by Council Vice President DiNuzzo, and passed on a roll call vote of 5 - 0 in favor.

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2023-004 (Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank 2023) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilwoman Marder offered a motion to close the public hearing, seconded by Council Vice President DiNuzzo and approved by unanimous voice vote.

The following Ordinance #2023-004 (Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank 2023) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-004

CALENDAR YEAR 2023

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

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

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

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$332,933.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,165,267.18, and that the CY 2023 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

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

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

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

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2023-005 (Ordinance Authorizing General Capital Improvements and Issuance of Bonds or Notes) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-005 (Ordinance Authorizing General Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilman Milman, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-005

BOND ORDINANCE PROVIDING FOR VARIOUS 2023
GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING
\$7,080,031 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$6,730,400 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 \$7,080,031, which appropriation is inclusive of \$349,631 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 \$7,080,031 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 \$6,730,400 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 \$6,730,400 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>Appropriati</u> <u>on</u>	<u>Authoriza</u> <u>tion</u>	<u>Down</u> <u>Payment</u>	<u>Useful</u> <u>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 Ryan Road, 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;	\$4,294,514	\$4,082,439	\$212,075	20 years

<u>Description</u>	<u>Appropriati</u> <u>on</u>	<u>Authoriza</u> <u>tion</u>	<u>Down</u> <u>Payment</u>	<u>Useful</u> <u>Life</u>
(b) <u>Historic Sites</u> - Replacement of Historic Markers And Related Equipment and Improvements;	\$9,670	\$9,192	\$478	5 years
(c) <u>Emergency Medical</u> <u>Services</u> - Acquisition Of Ambulance And Related Equipment And Improvements;	\$70,875	\$67,375	\$3,500	5 years
(d) <u>Police Division</u> - Acquisition of Various Equipment Including, But Not Limited To, Weapons, Traffic Control and Enforcement Equipment, Replacement of Office Furniture And The Acquisition Of Various Non-Passenger Vehicles, Including Related Equipment;	\$466,003	\$442,991	\$23,012	5 years
(e) <u>Information Technology</u> - Various Improvements Including, But Not Limited To, Replacement Of Furniture And Computer Hardware And Software And Improvements to HVACs, Phone Systems And Video Equipment;	\$400,849	\$381,054	\$19,795	5 years
(f) <u>Public Works and</u> <u>Public Buildings</u> - Acquisition Of Various Equipment Including, But Not Limited to, Electric Vehicle Charging Stations, Garbage Packer, Roadside Mower, Wide Area Mower, Leaf Vacuum, Non-Passenger Vehicles And Mechanic's Equipment; Replacement Of	\$1,602,10 4	\$1,522,9 88	\$79,116	15.63 years

<u>Description</u>	<u>Appropriati</u> <u>on</u>	<u>Authoriza</u> <u>tion</u>	<u>Down</u> <u>Payment</u>	<u>Useful</u> <u>Life</u>
Office Furniture; Acquisition Of And Improvements To Firehouse Property; Various Improvements To Buildings And Grounds Including, But Not Limited to, Structural Repairs And Improvements to Heating Ventilation Air Conditioning Systems;				
(g) <u>Community Garden</u> - Improvements to Garden Beds And Acquisition Of Related Equipment; and	\$15,188	\$14,438	\$750	5 years
(h) <u>Recreation</u> - Various Recreational Improvements Including, But Not Limited to, Replacement Of Synthetic Turf And Crumb Rubber, Including Related Equipment; Installation Of Fencing Around Synthetic Turf Field; Improvements to Lightening Detection System; Acquisition Of Non-Passenger Vehicles and Other Recreational Equipment.	\$220,828	\$209,923	\$10,905	14.44 years
	TOTALS	<u>\$7,080,03</u> <u>1</u>	<u>\$6,730,4</u> <u>00</u>	<u>\$349,631</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 \$6,730,400.

(d) The aggregate estimated cost of said improvements or purposes is \$7,080,031, 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 \$349,631.

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 Municipal 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 16.79 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Municipal 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 \$6,730,400 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 \$1,420,000 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 #2023-006 (Ordinance Appropriating \$246,850 Grant to be Received by the Township for Improvements to Ticetown Road) this was seconded by Councilman Milman and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilwoman Marder offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote.

The following Ordinance #2023-006 (Ordinance Appropriating \$246,850 Grant to be Received by the Township for Improvements to Ticetown Road) was introduced by reference, offered by Councilman Milman, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-006

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$246,850 GRANT TO BE RECEIVED
BY THE TOWNSHIP FOR THE MARLBORO ROAD PROGRAM
IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE
COUNTY OF MONMOUTH, NEW JERSEY

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

Section 1. The \$246,850 grant expected to be received by the Township from the State of New Jersey Department of Transportation FY 2023 Municipal Aid Program is hereby appropriated for the purpose of providing funds for the Marlboro Road Program, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with law.

Councilman Milman introduced a motion to open the public hearing for Ordinance #2023-007 (Ordinance Authorizing Water Utility Capital Improvements and Issuance of Bonds or Notes) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-007 (Ordinance Authorizing Water Utility Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in

favor.

ORDINANCE #2023-007

BOND ORDINANCE PROVIDING FOR VARIOUS 2023 WATER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$3,718,913 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,718,913 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 \$3,718,913, 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 \$3,718,913 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 \$3,718,913 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, Repair and/or Replacement of Water Mains, Improvements to Township Wells and Replacement of Well No. 2, Acquisition of a Pick-Up Truck with Plow, Acquisition of Maintenance Lift for Water Treatment Plant, Repair to and/or Replacement of Commercial Water Meters, Travel Vac Valve Maintenance/Improvements, and Acquisition and Installation, as applicable, of Hydrants, Valves and Pipes.

(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 \$3,718,913.

(d) The aggregate estimated cost of said improvements or purposes is \$3,718,913.

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 Municipal 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 33.82 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Municipal 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 \$3,718,913 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 \$745,000 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 #2023-008 (Ordinance Authorizing Recreation and Swim Utility Capital Improvements and Issuance of Bonds or Notes) this was seconded by Councilman Milman and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilwoman Marder offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote.

The following Ordinance #2023-008 (Ordinance Authorizing Recreation and Swim Utility Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-008

BOND ORDINANCE PROVIDING FOR VARIOUS 2023
RECREATION AND SWIM UTILITY IMPROVEMENTS, BY
AND IN THE TOWNSHIP OF MARLBORO, IN THE COUNTY
OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING
\$213,303 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$213,303 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 \$213,303. 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 Recreation and Swim 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 \$213,303 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 \$213,303 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 Club and Marlboro Country Park including, but not limited to, Resurfacing of Tennis

Courts and Pickleball Courts at Marlboro Country Park, Replacement of Sunbrella and Concession Stand Equipment at Marlboro Swim Club, Repair and/or Replacement of Pool Tank Tiles at Marlboro Swim Club, and Improvements to the Water Slide at Marlboro Swim Club.

(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 \$213,303.

(d) The aggregate estimated cost of said improvements or purposes is \$213,303.

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 Municipal 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 13.26 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Municipal 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 \$213,303 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 \$42,750 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 #2023-009 (Ordinance Authorizing Lease Purchase Financing and Acquisition of Police Cars) this was seconded by Councilwoman

Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

Gerald Tomaselli of 24 Peasant Valley Road requested to hear the pricing of each vehicle, this information was provided by the Township's Business Administrator.

With no one else from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-009 (Ordinance Authorizing Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Councilman Milman, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-009

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 \$300,000. The procurement of the police cars is available through a State Contract. 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.

Councilman Milman introduced a motion to open the public hearing for Ordinance #2023-010 (Ordinance Authorizing the Acquisition of 78 Tennent Road, Known as Block 120, Lot 34) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-010 (Ordinance Authorizing the Acquisition of 78 Tennent Road, Known as Block 120, Lot 34) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-010

AN ORDINANCE AUTHORIZING THE ACQUISITION OF
78 TENNENT ROAD, KNOWN AS BLOCK 120, LOT 34
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO

Councilman Milman introduced a motion to open the public hearing for Ordinance #2023-011 (Ordinance Authorizing the Township to Enter into a Deed of Open Space Easement for Property Located on Nolan Road Known as Block 127, Lot 11) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-011 (Ordinance Authorizing the Township to Enter into a Deed of Open Space Easement for Property Located on Nolan Road Known as Block 127, Lot 11) was introduced by reference, offered by Councilman Milman, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-011

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO ENTER INTO A
DEED OF OPEN SPACE EASEMENT FOR PROPERTY LOCATED ON
NOLAN ROAD KNOWN AS BLOCK 127, LOT 11 ON THE OFFICIAL
TAX MAPS OF THE TOWNSHIP OF MARLBORO

Councilwoman Marder introduced a motion to open the public hearing for Ordinance #2023-012 (Ordinance Amending Marlboro Township Ordinances to Require the Payment of Redevelopment Fees by Redevelopers) this was seconded by Councilman Milman and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

Michael Castor, Esq representing Giordano, Halleran & Ciesla Attorneys at Law in Red Bank, New Jersey objected to the adoption of this ordinance and requested that the Council table this ordinance until further notice as his firm believed that the redevelopment fees were excessive.

With no one else from the public wishing to speak, Councilwoman Marder offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote.

The following Ordinance #2023-012 (Ordinance Amending Marlboro Township Ordinances to Require the Payment of Redevelopment Fees by Redevelopers) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-012

AN ORDINANCE AMENDING THE TOWNSHIP ORDINANCES TO REQUIRE
THE PAYMENT OF REDEVELOPMENT FEES BY REDEVELOPERS

Councilman Milman introduced a motion to open the public hearing for Ordinance #2023-013 (Ordinance Authorizing the Execution of a Financial Agreement and Amendment to a Redevelopment Agreement, Between the Township of Marlboro and SPG Marlboro Urban Renewal, LLC in Connection with Property Located on Texas Road Known as Block 111, Lot 4.01) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-013 (Ordinance Authorizing the Execution of a Financial Agreement and Amendment to a Redevelopment Agreement, Between the Township of Marlboro and SPG Marlboro Urban Renewal, LLC in Connection with Property Located on Texas Road Known as Block 111, Lot 4.01) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-013

AN ORDINANCE AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT AND AN AMENDMENT TO A REDEVELOPMENT AGREEMENT, BETWEEN THE TOWNSHIP OF MARLBORO AND SPG MARLBORO URBAN RENEWAL, LLC, IN CONNECTION WITH PROPERTY LOCATED ON TEXAS ROAD KNOWN AS BLOCK 111, LOT 4.01 (FORMERLY LOTS 4 AND 10-13)

Councilwoman Marder introduced a motion to open the public hearing for Ordinance #2023-014 (Ordinance Authorizing the Township of Marlboro to Acquire a Perpetual, Non-Exclusive Water Utility Easement Over Property Located on Texas Road Known as Block 111, Lot 4.01, From SPG Marlboro Urban Renewal, LLC) this was seconded by Council Vice President DiNuzzo and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-014 (Ordinance Authorizing the Township of Marlboro to Acquire a Perpetual, Non-Exclusive Water Utility Easement Over Property Located on Texas Road Known as Block 111, Lot 4.01, From SPG Marlboro Urban Renewal, LLC) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-014

ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A PERPETUAL, NON-EXCLUSIVE WATER UTILITY EASEMENT UPON, UNDER, AND THROUGH PROPERTY LOCATED ON TEXAS ROAD KNOWN AS BLOCK 111, LOT 4.01 (FORMERLY LOTS 4 AND 10-13), TEXAS ROAD IN THE TOWNSHIP OF MARLBORO, FROM SPG MARLBORO URBAN RENEWAL, LLC

Council Vice President DiNuzzo introduced a motion to open the public hearing for the 2023 Municipal Budget, Resolution #2023-105 (Adoption of the 2023 Municipal Budget) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

John Gibardi of 1 Hudson Bay Terrace is happy this year's budget is a flat budget and he congratulated the Council on a job well done.

With no one else from the public wishing to speak, Councilwoman Marder offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote.

The following Resolution #2023-105 (Adoption of the 2023 Municipal Budget) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-105

RESOLUTION AUTHORIZING THE ADOPTION OF THE
2023 MUNICIPAL BUDGET

WHEREAS, the 2023 Township of Marlboro Municipal Budget was introduced on March 16, 2023; and

WHEREAS, the required public hearing was scheduled and held on April 20, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby adopts the 2023 Township of Marlboro Municipal Budget.

Councilman Milman introduced a motion to open the public hearing for the Annual Budget - Fire District 2, Resolution #2023-106 (Confirming and Ratifying Resolution #2023-084 Amending the Marlboro Township Fire District No. 2 2023 Budget) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilwoman Marder offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote.

The following Resolution #2023-106 (Confirming and Ratifying Resolution #2023-084 Amending the Marlboro Township Fire District No. 2 2023 Budget) was introduced by reference, offered by Councilman Milman, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-106

CONFIRMING THE AMENDMENT OF THE MARLBORO TOWNSHIP FIRE
DISTRICT NO. 2 - 2023 BUDGET

WHEREAS, the Marlboro Township Fire District No. 2 2023 Fiscal Budget was rejected by the voters of Fire District No. 2 in a duly held election on February 18, 2023; and

WHEREAS, a public discussion on said budget was held on March 16, 2023 within thirty (30) days of the Fire District election; and

WHEREAS, the Township Council of the Township of Marlboro adopted Resolution #2023-084 amending the Marlboro Township Fire District No. 2 2023 budget; and

WHEREAS, a public hearing on said budget was held as advertised on April 20, 2023; and

WHEREAS, the Township Council of the Township of Marlboro wishes to confirm and ratify Resolution #2023-084.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth, that the amendments to the Marlboro Township Fire District No. 2 budget rejected by the voters on February 18, 2023, approved on March 16, 2023, are hereby confirmed and ratified as follows:

Line Item	From	To
REVENUES		
Total Fund Balance Utilized	\$0	\$0
Total Interest on Investments & Deposits	1,000	1,500
Operating Grant Revenue	4,339	4,339
Amount to be Raised by Taxation	1,126,658	1,110,658
TOTAL REVENUES	\$1,131,997	\$1,116,497
APPROPRIATIONS		
Total Administration	\$198,600	\$195,850
Cost of Operations & Maintenance	586,839	574,089
Length of Service Award Program	40,000	40,000
Total Capital Appropriations	130,000	130,000
Total Principal Payments on Debt Service	175,000	175,000
Total Interest Payments on Debt	1,558	1,558
TOTAL APPROPRIATIONS	\$1,131,997	\$1,116,497

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

RESOLUTION #2023-107

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE
PROVISION OF PRINTING SERVICES FOR THE TOWNSHIP OF
MARLBORO

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the PROVISION OF PRINTING SERVICES FOR THE TOWNSHIP OF MARLBORO (Bid #2023-03) with a bid opening date of March 1, 2023; and

WHEREAS, the Township received two (2) bids for the advertised services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(a), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's cost estimates for the goods or services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; and

WHEREAS, the bids received on March 1, 2023 were in excess of both the Township's cost estimate and appropriation for the printing services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bids received for the project titled PROVISION OF PRINTING SERVICES for the Township of Marlboro are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a) and N.J.S.A. 40A:11-13.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to rebid the contract for the PROVISION OF PRINTING SERVICES for the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

RESOLUTION #2023-108

AUTHORIZING STATEMENT OF FINAL CHANGE ORDER AND COMPLETION FOR
PROJECT KNOWN AS "NOLAN ROAD PARK IMPROVEMENTS - PHASE I"

WHEREAS, the Monmouth County Board of Commissioners has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for county park, recreation,

conservation and farmland preservation purposes, as well as for county recreation and conservation development and maintenance purposes; and

WHEREAS, the Township of Marlboro entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on March 31, 2015 that provided \$145,000 for Nolan Road Park Improvements - Phase I under Application No. 14-13 that required certain conditions be met by the Township of Marlboro prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Marlboro that all conditions of the March 31, 2015 Grant Agreement have been satisfied by the Township of Marlboro and that the project has been completed; and

BE IT FURTHER RESOLVED, that the Township of Marlboro made final payment to the contractor Shore Top Construction Corp. per the letter of the contract engineering firm representative Alan Berger of July 8, 2020 and that payment was made per voucher on September 17, 2020 under check no. 17303, which are hereby attached and also on file in the Municipal Clerk's Office.

RESOLUTION #2023-109

AUTHORIZING STATEMENT OF FINAL CHANGE ORDER AND COMPLETION FOR PROJECT KNOWN AS "NOLAN ROAD PARK IMPROVEMENTS - PHASE II"

WHEREAS, the Monmouth County Board of Commissioners has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for county park, recreation, conservation and farmland preservation purposes, as well as for county recreation and conservation development and maintenance purposes; and

WHEREAS, the Township of Marlboro entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on September 17, 2020 that provided \$200,000 for Nolan Road Park Improvements - Phase II under Application No. 19-03 that required certain conditions be met by the Township of Marlboro prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of Township of Marlboro that all conditions of the September 17, 2020 Grant Agreement have been satisfied by the Township of Marlboro and that the project has been completed; and

BE IT FURTHER RESOLVED, that the Township of Marlboro made final payment to the contractor Precise Construction, Inc. per the letter of the contract engineering firm representative Alan Berger of November 30, 2022 and that payment was made per voucher on January 19, 2023 under check no. 27044, which are hereby attached and also on file in the Municipal Clerk's Office.

RESOLUTION #2023-110

RESOLUTION AMENDING RESOLUTION #2023-089 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AT THE SITE KNOWN AS MAPLE TREE PLAZA, BLOCK 413, LOT 35, LOCATED AT 130 SOUTH MAIN STREET, 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. Carmine Casola 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 "Maple Tree Plaza" (the "Site"), property known as Block 413, Lot 35, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Triple C Nurseries, Maple Tree Plaza, Carmine Casola, and Danielle Casola (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated February 22, 2023, 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 February 22, 2023.

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 and Cash Deposit posted by the Developer, Triple C Nurseries, Maple Tree Plaza, Carmine Casola, and Danielle Casola, for the site known as Maple Tree Plaza, located on property known as Block 413, Lot 35, Township of Marlboro, New Jersey, shall be released as follows:

1. The Performance Bond (The Service Insurance Company, Inc., Bond No. 15080), in the original amount of \$690,000.00 and present amount of \$354,321.22 shall be released in its entirety.
2. The Cash Deposit (Account No. BE-04-772), in the original amount of \$70,314.00 and present amount of \$39,369.02 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the improvements associated with the performance guarantee are privately owned and maintained. Due to a change in the State of New Jersey Statutes the two (2) year fifteen percent (15%) maintenance bond is no longer required by the Township of Marlboro.

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

- a. Triple C Nurseries
- b. Maple Tree Plaza
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq., Township Attorney
- g. Kurt Eifert, PE, Township Water Utility Division

RESOLUTION #2023-111

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MECO, INC.
AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE
2021 ROADWAY IMPROVEMENT PROGRAM

WHEREAS, by Resolution #2021-293 the Township of Marlboro authorized the award of a contract to Mecco, Inc. for the 2021 Roadway Improvement Program (the "Project") (Bid 2021-24); and

WHEREAS, a Closeout Change Order has been requested, resulting in an increase in the original contract amount of \$908,000.00 to \$956,816.18, a net increase of \$48,816.18; and

WHEREAS, in a letter dated March 29, 2023, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$66,976.40; and

WHEREAS, pursuant to the terms of the contract, Meco, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$143,522.43; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Meco, Inc. in the amount of \$66,976.40 in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with Meco, Inc., be and is hereby approved, increasing the original contract total of \$908,000.00 to \$956,816.18, a net increase of \$48,816.18.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$66,976.40 for work completed by Meco, Inc. is hereby approved.

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

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

RESOLUTION #2023-112

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MECO,
INC. FOR IMPROVEMENTS TO CLUBHOUSE LANE, PHASE II
(GREENBRIAR)

WHEREAS, the Township of Marlboro as part of its 2022 capital program (60-04) authorized various street and drainage improvements including roadways in Greenbriar ("Project"); and

WHEREAS, the Township of Marlboro advertised for the receipt of bids (#2023-05) for IMPROVEMENTS TO CLUBHOUSE LANE, PHASE II and on April 11, 2023 received eight(8) bids as follows; and

	Bidder's Name	Base Bid Total
1	Meco, Inc.	\$360,373.50
2	Earle Asphalt Company	\$385,713.13
3	Black Rock Enterprises, LLC	\$398,097.20
4	Fernandes Construction, Inc.	\$398,143.03
5	JADS Construction	\$421,230.00
6	Fiore Paving Company, Inc.	\$433,007.99
7	Lucas Brothers, Inc.	\$444,444.00
8	L&L Paving Company, Inc.	\$501,347.50

;and

WHEREAS, the Township Engineer has reviewed the bids received and in a memo dated April 12, 2023, recommends that the Base Bid for IMPROVEMENTS TO CLUBHOUSE LANE, PHASE II be awarded to MECO, Inc. as the lowest bidder, whose address is P.O. Box 536, Clarksburg, New Jersey 08510, for the total bid price amount not to exceed \$360,373.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Accounts 04-215-16-02B-060288, 04-215-17-02D-060288, 04-215-18-01C-060288, 04-215-19-01D-060288 and 04-215-20-05C-060288 for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for IMPROVEMENTS TO CLUBHOUSE LANE, PHASE II for the Township of Marlboro Department of Public Works be and is hereby awarded to Meco, Inc., whose address is P.O. Box 536, Clarksburg, New Jersey 08510 for a contract amount not to exceed \$360,373.50.

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

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

RESOLUTION #2023-113

RESOLUTION ESTABLISHING A CHANGE FUND
IN THE FINANCE DEPARTMENT

WHEREAS, the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey had previously authorized the establishment of a change funds for the Tax Division, the Water Division, the Police Division, the Municipal Court, and the Building Division in the amounts of \$800.00, \$400.00, \$50.00, \$200.00, and \$200.00 respectively, and

WHEREAS, a request has been made for an additional change fund in the Finance Department, to further accommodate the needs of various offices not listed above, and

WHEREAS, it has been determined that the Finance Department needs a change fund of \$500.00.

NOW, THEREFORE, BE IT RESOLVED, that a change fund of \$500.00 be established for the Finance Department.

RESOLUTION #2023-114

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S
AGREEMENT BY AND BETWEEN 45 ROUTE 520, LLC AND THE
TOWNSHIP OF MARLBORO FOR THE CONSTRUCTION AND
INSTALLATION OF CERTAIN WATER SYSTEM IMPROVEMENTS AT OR
NEAR COUNTY RT. 520 ON PROPERTY KNOWN AS BLOCK 268, LOTS
66, 67, & 68

WHEREAS, 45 Route 520, LLC (the "Developer") is the contract purchaser and developer of certain real property located at or near County Route 520 known as Block 268, Lots 66, 67, & 68 in the Township of Marlboro, County of Monmouth, State of New Jersey, and more commonly known as 43, 45 and 51 Route 520 (the "Property"); and

WHEREAS, Developer has requested water service for the Project from the Marlboro Township Water Utility Division; and

WHEREAS, the Township of Marlboro (the "Township") has determined that to ensure the availability of water service to the Developer, the Developer should be required to construct and install certain water system improvements; and

WHEREAS, the Township Attorney has reviewed the Developer's Agreement attached hereto as Attachment A, which concerns the

construction and installation of certain water system improvements;
and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the Developer's Agreement to memorialize the terms and conditions associated therewith in a form substantially similar to the agreement attached hereto as Attachment A, subject to the review and approval of the Township Attorney; and

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

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Mayor and Municipal Clerk be and are hereby authorized to execute the Developer's Agreement with 45 Route 520, LLC, for the purpose of providing water service and memorializing the obligations and commitments of 45 Route 520, LLC, in a form substantially similar to the agreement attached as Attachment A, subject to the review and approval of the Township Attorney.
3. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

RESOLUTION #2023-115

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

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

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

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

WHEREAS, GARDEN STATE FIREWORKS, INC. has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 9, 2023 (with a rain date of August 13, 2023) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to GARDEN STATE FIREWORKS, INC. to conduct a fireworks display on July 9, 2023 (with a rain date of August 14, 2023) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

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

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

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$6,000.00 are available in Current Account 01-201-28-145-288498 for this purpose.

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

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

RESOLUTION #2023-116

A RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT FOR THE
PROVISION OF YOUTH BASKETBALL SPORTS PROGRAM SERVICES
FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT

WHEREAS, pursuant to Resolution #2022-127, the Township entered into a contract with Slam Dunk Sportz, 25 Westbrook Drive, Morganville, NJ 07751 at a price of \$130.00 per participant in an amount not to exceed \$65,000.00 for the provision of Fall 2022 and Spring 2023 Youth Basketball Services; and

WHEREAS, the Recreation Director has reported in a memo dated March 22, 2023 that Spring 2023 program enrollment exceeded the initial estimates; and

WHEREAS, in order to service approximately 31 additional registrants, the contract needs to be increased by \$4,030.00 or 6.2%; and

WHEREAS, the cost of providing Youth Sports Programming is fully offset by participant registration fees; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department, and to amend the contract with Slam Dunk Sportz as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the contract with Slam Dunk Sportz, 25 Westbrook Drive, Morganville, NJ 07751 for Fall 2022 and Spring 2023 Youth Basketball services is hereby amended under the same terms and conditions to an amount not to exceed \$70,000.00.

BE IT FURTHER RESOLVED, that funds for the required services have been certified by the Chief Financial Officer in Recreation Utility Account #09-201-55-400-288402.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, and amendment to the contract with the vendor as herein described, in accordance with this resolution and in a form to be approved by the Township Attorney.

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

- a. Slam Dunk Sportz
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Recreation

RESOLUTION #2023-117

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

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO, and on March 15, 2023, received one (1) bid as follows:

DOT Designing, LLC
242 Possum Hollow Road, Monroe Township, New Jersey 08831

Description	2023 Extended Price
RECREATION SUBTOTAL	\$64,691.10
SWIM CLUB SUBTOTAL	\$21,797.70
ALLIANCE SUBTOTAL	\$1,790.00
TEEN ADVISORY COMMITTEE SUBTOTAL	\$1,565.00
GREEN TEAM SUBTOTAL	\$167.00
SHADE TREE COMMITTEE SUBTOTAL	\$167.00
YOUTH EXCHANGE COMMITTEE	\$400.00
VETERANS & VOLUNTEERS	\$630.00
VEHICLE MAINTENANCE SUBTOTAL	\$1,026.00
MARLBORO FARMER'S MARKET SUBTOTAL	\$180.00
COUNCIL SUBTOTAL	\$3,229.00
GRAND TOTAL OF ALL SECTIONS	\$96,895.30
CORRECTED*	\$96,857.80

* Item 23- Bidder incorrectly calculated amount on 2023 bid form
- \$637.50 s/b \$600.00 (corrected)

; and

WHEREAS, in a memo dated March 20, 2023, the Recreation Director has indicated that the submission of the sole bidder, DOT DESIGNING

LLC is responsive; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to DOT DESIGNING LLC whose address is 242 Possum Hollow Road, Monroe Township, NJ 08831 for a period of eight (8) months beginning on May, 1, 2023 and terminating on December 31, 2023, with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid, in a total amount not to exceed \$96,857.80.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer will certify sufficient funds in the amount of \$96,857.80 for the aforesaid contract, upon the 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. DOT DESIGNING LLC
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION #2023-118

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE
PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM
SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT

WHEREAS, on February 2, 2023 the Township of Marlboro advertised and solicited proposals pursuant to N.J.S.A. 40A:11-4.1(b(2)) ("Competitive contracting proposal solicitation") for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT; and

WHEREAS, the solicitation was issued to attract proposals to provide full-service Youth Basketball, Tennis, Lacrosse, Soccer, Hockey, Track, Multi-Sport and Fitness programming, inclusive of all equipment and necessary materials and supplies, uniforms and awards/trophies, scheduling and hiring of referees, scorekeepers and facility supervisors, background checks for all staff and insurance; and

WHEREAS, the cost of full-service youth programming is fully offset by participant registration fees; and

WHEREAS, on March 2, 2023 the Township received one (1) proposal for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES which was deemed unresponsive, and was rejected pursuant to Resolution #2023-102; and

WHEREAS, on March 21, 2023 the Township of Marlboro once again advertised and solicited proposals pursuant to N.J.S.A. 40A:11-4.1(b(2)) for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT; and

WHEREAS, on April 11, 2023 the Township received one (1) proposal for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT from Slam Dunk Sportz - 23 Westbrook Drive, Morganville, NJ 07751; and

WHEREAS, the sole respondent offered proposals for the Youth Basketball program only, with rates as follows:

	Rate per participant	Est # participants	Total Not to Exceed
2023-2024			
Summer	\$129.00	475	\$61,275.00
Fall	\$140.00	475	\$66,500.00
Spring	\$139.00	475	\$66,025.00
			\$193,800.00
2024-2025			
Summer	\$135.00	475	\$64,125.00
Fall	\$145.00	475	\$68,875.00
Spring	\$144.00	475	\$68,400.00
			\$201,400.00
2025-2026			
Summer	\$140.00	475	\$66,500.00
Fall	\$150.00	475	\$71,250.00
Spring	\$149.00	475	\$70,775.00
			\$208,525.00

; and

WHEREAS, the Township Evaluation Committee, consisting of representatives from the Departments of Administration and Recreation reviewed the proposal; and

WHEREAS, in a memo dated April 12, 2023, the Evaluation Committee recommended the award of contract to Slam Dunk Sportz - 23 Westbrook Drive, Morganville, NJ 07751 for a term of one year beginning on July 1, 2023 and ending June 30, 2024, encompassing only the Summer 2023 season, with an option to renew, in the Township's sole discretion pursuant to the RFP for one (1) two year or two (2) one year terms; and

WHEREAS, the Township will re-issue a solicitation for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT in order to offer full-service Tennis, Lacrosse, Soccer, Hockey, Track, Multi-Sport and Fitness programming; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Evaluation Committee, and to award the contract as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded for the provision of Youth Basketball programming for a term of one year beginning on July 1, 2023 and ending June 30, 2024, encompassing only the Summer 2023 season, in accordance with the solicitation and the proposal dated April 11, 2023, at a rate of \$129.00 per participant, not to exceed \$70,000.00.

BE IT FURTHER RESOLVED, that funds for the required services have been certified by the Chief Financial Officer in Recreation Utility Account #09-201-55-400-288402.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Slam Dunk Sportz, whose address is 23 Westbrook Drive, Morganville, NJ 07751, in accordance with this Resolution and in a form to be approved by the Township Attorney.

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

- a. Slam Dunk Sportz
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Recreation

RESOLUTION #2023-119

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$133,259.56 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 \$133,259.56 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>
2022-045	421.02/13	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723	2,868.97
2022-021	214/10	Christiana T C/F CE1/ Firsttrust PO Box 5021 Philadelphia, PA 19111	27,421.41
2022-026	262/14	Trystone Capital Assests, LLC PO Box 1030 Brick, NJ 08723	2,978.75
2021-020	176/90	WSFS as Cust LVTLOPS/Firsttrust PO Box 815 Fort Washington, PA 19034	14,678.57
2022-022	218/10	WSFS as Cust LVTLOPS/Firsttrust PO Box 815 Fort Washington, PA 19034	51,091.67
2021-015	172/56	ATCF II New Jersey, LLC PO Box 54972 New Orleans, LA 70154	10,514.71
2022-019	193.02/54.19	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723	3,173.10

RESOLUTION #2023-120

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND BLACK ROCK ENTERPRISES, LLC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE BROOKSIDE CIRCLE WATER MAIN REPLACEMENT PROJECT

WHEREAS, by Resolution #2021-311 the Township of Marlboro authorized the award of a contract to Black Rock Enterprises, LLC for the Brookside Circle Water Main Replacement Program (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$608,410.00 to \$608,404.11, a net decrease of \$5.89; and

WHEREAS, in a letter dated April 4, 2023, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$29,612.72; and

WHEREAS, pursuant to the terms of the contract, Black Rock Enterprises, LLC has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$91,260.62; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Black Rock Enterprises, LLC. in the amount of \$29,612.72 in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with Black Rock Enterprises, LLC. be and is hereby approved, decreasing the original contract total of \$608,410.00 to \$608,404.11, a net decrease of \$5.89.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$29,612.72 for work completed by Black Rock Enterprises, LLC is hereby approved.

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

- a. Black Rock Enterprises, LLC.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

Citizen's Voice:

Steve Fridman of 14 Kings Court Monroe Township is requesting a security presence at all Marlboro Township public school before and aftercare programs.

Alla Gawza of Morganville would like security at the before and aftercare programs for the Marlboro Township schools.

Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey said that he has not received engineering approval to proceed with building on his commercial property.

Walter Solomon of 43 Samantha Drive mentioned his ongoing concerns with the construction at 606 Robert Court.

At 8:12 p.m., Council Vice President DiNuzzo moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: MAY 18, 2023

OFFERED BY: DINUZZO

AYES: 5

SECONDED BY: MILMAN

NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
051823

JUNED QAZI,
COUNCIL PRESIDENT