

MARLBORO TOWNSHIP COUNCIL MEETING

March 16, 2023

The Marlboro Township Council held its regularly scheduled meeting on March 16, 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 March 14, 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 and Council President Qazi.

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

Council Speaks Out: Councilwoman Marder mentioned upcoming recreation and spring events. Councilman Milman stated that the 2023 municipal budget is flat and that there will not be a tax increase. Council Vice President DiNuzzo agree with Councilman Milman and wished everyone both a happy Saint Joseph's Day and Saint Patrick's Day. Council President Qazi offered updates from the police and public works' departments.

Administration Report: Mayor Hornik stated that the Teen Advisory Committee will be meeting this month and encouraged residents with teens to consider their participation in TAC. Annual pet licensing is open and the free rabies clinic will be held in March. The Township received from the New Jersey Department of Transportation a \$246,850 grant for Ticetown Road improvements. The Mayor offered support for agenda items: grant application for sidewalk improvements on Topanemus Road, the capital improvement plan and shared services agreements with the Marlboro K-8 and Freehold Regional High School District for school security officers and school resource officers.

Auto thefts are down 60% because the Marlboro community is working with the police with tackling the issue. In closing, Mayor Hornik wished everyone a happy St. Patrick's Day and asked everyone to please celebrate responsibly.

Council Vice President DiNuzzo moved that the Council meeting minutes of March 23, 2023 be approved. This was seconded by Councilman Milman, and passed on a roll call vote of 5 - 0 in favor.

Business Administrator Jonathan Capp provided a presentation of the 2023 Municipal Budget.

The following resolution #2023-083 (Introduction of the 2023 Municipal Budget) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-083

INTRODUCTION OF THE 2023 BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2023, as introduced by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 20, 2023 at the Township of Marlboro Municipal Complex.

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 Councilman Scalea 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. The following Ordinance #2023-005 (Ordinance Authorizing General Capital Improvements and Issuance of Bonds or Notes) was introduced

by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo voted no.

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
(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 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	\$466,003	\$442,991	\$23,012	5 years

<u>Description</u>	<u>Appropriati on</u>	<u>Authoriza tion</u>	<u>Down Payment</u>	<u>Useful Life</u>
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;				
(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 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 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;	\$1,602,104	\$1,522,988	\$79,116	15.63 years
(g) <u>Community Garden</u> - Improvements to Garden	\$15,188	\$14,438	\$750	5 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>
Beds And Acquisition Of Related Equipment; and				
(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.

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 Councilwoman Marder, seconded by Councilman Scalea 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.

The following Ordinance #2023-007 (Ordinance Authorizing Water Utility Capital Improvements and Issuance of Bonds or Notes) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder 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.

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 Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RDINANCE #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.

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.

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 Councilman Milman 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

WHEREAS, pursuant to the Local Land and Building Law, N.J.S.A. 40A:12-1, et seq., the Township of Marlboro (the "Township") has the power to acquire real property; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township has the power to acquire any real property for a public purpose through a negotiated agreement process; and

WHEREAS, Morganville Volunteer Fire Company 1 and the Township have agreed to the voluntary conveyance of Block 120, Lot 34 located at 78 Tennent Road, Marlboro, New Jersey 07751 (the "Property"), and any and all interests therein, for a consideration of \$150,000.00; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows:

1. The recitals are incorporated herein as though fully set forth herein.
2. The acquisition by negotiated agreement of Block 120, Lot 34 located at 78 Tennent Road, Marlboro, New Jersey 07751, and any and all property interests therein from Morganville Volunteer Fire Company 1 is hereby authorized.
3. The Township Attorney and Business Administrator are hereby authorized to take all actions necessary to acquire the Property, and any and all property interests therein, through voluntary negotiations.
4. The Mayor and Municipal Clerk are hereby authorized to sign and witness, respectively, any contract of sale or other documents necessary to acquire the interests in the Property, subject to the review of the Township Attorney.

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

BE IT FURTHER ORDAINED, that any ordinance of parts thereof in conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict; and

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

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 Councilwoman Marder, seconded by Councilman Milman 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

WHEREAS, the Township of Marlboro (hereinafter referred to as "Township") is the owner of property on Nolan Road encompassing approximately 10.40 acres commonly referred to as Nolan Road Park and known as Block 127, Lot 11 on the Tax Map of the Township of Marlboro, County of Monmouth (the "Property"); and

WHEREAS, the Township agrees that the Property possesses park, recreation, and open space values of great importance to the people of the Township of Marlboro and County of Monmouth and should be preserved for such purposes and values; and

WHEREAS, the County of Monmouth (the "County") is a body politic and corporate of the State of New Jersey empowered pursuant to N.J.S.A. 40:32-2.1 to acquire interests in land and hold same for public park, recreation and welfare purposes; and

WHEREAS, the Township is authorized pursuant to N.J.S.A. 40A:12-13(b) to convey real property or interests therein to any political subdivision or body corporate and politic of the State of New Jersey; and

WHEREAS, the County made a financial investment in the Property by conveying a Monmouth County Municipal Open Space Grant in the amount of \$345,000.00 to the Township for the development of the Property; and

WHEREAS, the Township wishes to convey an easement over, under and through the Property and to convey the right in perpetuity to restrict the use of the Property in order to preserve and protect

the park, recreation and open space values of the Property in perpetuity.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township shall convey a Deed of Open Space Easement, in substantially similar form attached hereto, subject to the review and approval of the Township Attorney, for the nominal consideration of \$1.00 to the County of Monmouth to ensure that the Property's use shall be forever maintained as a public park, recreation, or open space use.
3. The Mayor and Municipal Clerk are hereby authorized to execute and attest to, respectively, any and all documents necessary to facilitate the transfer of the above-mentioned easement subject to the review and approval of the Township Attorney.
4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
6. This Ordinance shall take effect after second reading and publication as required by law.

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

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

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

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

BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, that the Code of the Township of Marlboro is amended to provide a new section as follows:

At the time of the execution of a Redevelopment Agreement, a Redeveloper shall pay a nonrefundable Redevelopment Fee of no less than \$150,000.00 and no more than \$250,000.00. All Redevelopment Agreements shall set forth a provision requiring the payment of a Redevelopment Fee pursuant to the requirement in this chapter.

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

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

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner provided by law.

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 Scalea 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)

WHEREAS on September 5, 2019, the Township Council of the Township of Marlboro (the "Township Council") adopted Resolution 2019-381 designating various properties, including the parcel identified as Block 111, Lot 4.01 (formerly Block 111, Lots 10-13, and hereafter referred to as the "Property"), as an "Area in Need of Redevelopment" with condemnation, in accordance with the *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-3, et seq. and the recommendations of the Planning Board of the Township of Marlboro (the "Planning Board"); and

WHEREAS, at the direction of the Township Council, the Planning Board caused CME Associates to prepare a redevelopment plan dated October 28, 2019 providing development standards for each of the properties within the Scattered Sites Redevelopment Area (the "Scattered Sites Redevelopment Plan"), which includes the Property and following the Planning Board's determination that the Scattered Sites Redevelopment Plan was consistent with the Township's Master Plan, was adopted by the Township Council on December 12, 2019 by Ordinance No. 2019-15; and

WHEREAS, pursuant to a settlement agreement with Fair Share Housing Center as part of the Township's Mount Laurel declaratory judgment action captioned, In the Matter of the Application of the Township of Marlboro for a Declaratory Judgment, Docket No. MON-L-2121-15, the Township agreed to use various sites included in the Township's Scattered Sites Redevelopment Plan to provide a realistic opportunity for the development of affordable housing in the Township; and

WHEREAS, pursuant to a settlement agreement to resolve a Mount Laurel Builder's Remedy lawsuit brought by 3 Ronson, LLC ("3 Ronson") against the Township, captioned 3 Ronson, LLC v. Township of Marlboro, et al., Docket No. MON-L-001181-17 (the "3 Ronson Builder's Remedy Action"), 3 Ronson agreed to set aside 20% of its inclusionary developments at Block 111, Lot 4.01 (formerly Block 111, Lots 4 & 10-13) (the "Property") for affordable rental apartments; and

WHEREAS, pursuant to Resolution #2020-267, the Township conditionally designated 3 Ronson as exclusive redeveloper of the Property subject to the successful negotiation and execution of a

redevelopment agreement and execution of an Interim Costs Agreement;
and

WHEREAS, on June 27, 2022, 3 Ronson, LLC transferred all of its right, title, and interest in and to the Property to SPG Marlboro Urban Renewal LLC (the "Redeveloper"), an affiliate of 3 Ronson; and

WHEREAS, pursuant to the settlement of the 3 Ronson Builder's Remedy Action, the Redeveloper proposes to redevelop the Property by constructing two inclusionary affordable housing developments consisting of 280 total residential units with a 20% set aside for affordable housing units (the "Project"); and

WHEREAS, pursuant to Resolution #2022-226 adopted on October 20, 2022, the Township entered into a Redevelopment Agreement with the Redeveloper governing the Redeveloper's redevelopment of the Project (the "Redevelopment Agreement"); and

WHEREAS, pursuant to the *Long Term Tax Exemption Law*, N.J.S.A. 40A:20-1 et seq., which permits the Township to enter into a financial agreement granting a tax exemption and accepting payments in lieu of taxes for qualified projects, the Redeveloper submitted to the Township an application for a long term tax exemption; and

WHEREAS, the Township and the Redeveloper have negotiated and desire to enter into a financial agreement providing for, among other things, a tax exemption and payments in lieu of taxes ("Financial Agreement"), in a form substantially similar to the Financial Agreement appended hereto as Attachment A, subject to the approval of the Township Attorney.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, that:

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Township Council hereby authorizes the Mayor and Municipal Clerk to execute a Financial Agreement between the Township and SPG Marlboro Urban Renewal LLC (the "Redeveloper") in connection with Redeveloper's proposal to develop two inclusionary affordable housing developments consisting of 280 total residential units with a 20% set aside for affordable housing units on property located on Texas Road known as Block 111, Lot 4.01 (formerly Block 111, Lots 4 & 10-13), providing for, among other things, a tax exemption and payments in lieu of taxes, in a form substantially similar to the Financial Agreement appended hereto as Attachment A, subject to the approval of the Township Attorney.

SECTION 3. The Redevelopment Agreement entered into between the Township and the Redeveloper is hereby amended to include the obligation by Redeveloper to pay a nonrefundable Redevelopment Fee in the amount of \$250,000.00.

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

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

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

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 Councilman Scalea, seconded by Councilman Milman 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

WHEREAS, SPG Marlboro Urban Renewal LLC ("SPG") is the owner of property located on Texas Road and identified on the Township of Marlboro Official Tax Map as Block 111, Lot 4.01 (formerly Block 111, Lots 4 & 10-13) (hereinafter referred to as the "Property"); and

WHEREAS, the Township of Marlboro (the "Township") seeks to acquire a non-exclusive easement in perpetuity for the operation, maintenance, monitoring, repair, renewal and/or replacement of certain water main pipelines and appurtenant facilities that are located and/or to be constructed upon a portion of said Property (the "Easement"); and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1) of the Local Lands and Buildings Law, the Township is authorized to acquire any real property, or interests therein, by ordinance, to any political subdivision, board or body corporate and politic of the State of New Jersey; and

WHEREAS, the Township and SPG have negotiated and desire to enter into a Declaration of Easement in a form substantially similar to the Declaration of Easement appended hereto as Attachment A, subject to the approval of the Township Attorney, which would provide the Township with a perpetual, non-exclusive easement upon, under, and through a portion of the Property; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the aforementioned Declaration of Easement in a form substantially similar to the form attached hereto as Attachment A, subject to the review and approval of the Township Attorney; and

WHEREAS, the Township Attorney has reviewed the aforementioned Declaration of Easement and agreed that it is in the best interests of the Township to acquire the easement; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute the Declaration of Easement in a form substantially similar to the form attached hereto as Attachment A, subject to the review and approval of the Township Attorney, which sets forth the terms and conditions pertaining to the easement to be acquired by the Township upon, under, and through a portion of the Property.
2. The Mayor and Municipal Clerk are hereby authorized to execute all documents necessary for the acceptance of the aforementioned Declaration of Easement, subject to the review and approval of the Township Attorney.
3. If any section or provision of this Ordinance shall be held to be invalid by any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance.
4. All ordinances or part of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Councilman Milman introduced a motion to open the public hearing for the Annual Budget - Fire District 2; 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, Councilwoman Marder offered a motion to close the public hearing, seconded by Councilman Scalea and approved by unanimous voice vote.

The following Resolution #2023-084 (Fixing Annual Budget - Fire District 2) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-084

RESOLUTION TO AMEND THE MARLBORO TOWNSHIP FIRE DISTRICT
NO. 2 2023 BUDGET

WHEREAS, the Marlboro Township Fire District 2 2023 Fiscal Budget was rejected by the voters of District 2 in a duly held election on February 18, 2023; and

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

WHEREAS, the New Jersey Division of Local Government Services requires that a budget amendment be prepared and adopted by the local governing body.

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 are hereby approved:

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

BE IT FURTHER RESOLVED, that two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services for certification of the 2023 Marlboro Township Fire District No. 2 Budget, as amended.

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

- a. Municipal Clerk
- b. Chief Financial Officer
- c. Tax Assessor

Resolution #2023-091 (Authorizing Self-Examination of 2023 Municipal Budget), Resolution #2023-092 (Authorizing Reserve Year Budget Transfers 2022) and Resolution #2023-093 (Authorizing 2023 Temporary Capital Budget) were pulled from the Consent Agenda and voted on separately.

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

RESOLUTION #2023-085

RESOLUTION AUTHORIZING AWARD OF BERGEN COUNTY
COOPERATIVE CONTRACT #22-24 TO SHI INTERNATIONAL CORP.
FOR DOCUMENT SCANNING AND WEBSITE HOSTING SERVICES FOR
THE TOWNSHIP OF MARLBORO

WHEREAS, the Township requires document scanning and hosting services for the Construction Code Division and Township website hosting services; and

WHEREAS, during the last several contract periods, the Township has procured the scanning services provided by DRS/Daida Imaging and website hosting services by City Connections from SHI International under the Bergen County Pricing Cooperative, and hosting services from Cranel Imaging; and

WHEREAS, in a memo dated March 1, 2023, the Marlboro Township Information Technology Division has recommended that the Township continue to utilize the scanning services of Daida/DRS Imaging and website hosting services of City Connections from SHI INTERNATIONAL CORP., 290 Davidson Ave, Somerset, NJ 08873 under Bergen County Cooperative Contract #22-24 in an amount not to exceed \$42,006.25; and

WHEREAS, in the same memo dated March 1, 2023, the Marlboro Township Information Technology Division has recommended that the Township transition its primary scanning software hosting from Cranel Imaging to Daida/DRS Imaging from SHI INTERNATIONAL CORP., 290 Davidson Ave, Somerset, NJ 08873 under Bergen County Cooperative Contract #22-24 in an amount not to exceed \$25,834.32; and

WHEREAS, the Township will need to utilize the current provider, Cranel Imaging, until the transition is complete, estimated in an amount not to exceed \$6,250.00, based upon the terms and conditions contained in Cranel's low quote proposal received in 2022; and

WHEREAS, the Township is authorized to purchase the software, services and licenses from bids obtained from a cooperative pricing system such as the Bergen County Cooperative Purchasing System pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to obtain the document scanning and hosting services provided by DRS/Daida Imaging and website hosting services by City Connections from SHI International through the Bergen County Pricing Cooperative; and

WHEREAS, the Township Council had indicated its desire to approve the purchase of these services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to obtain the scanning and website hosting services from SHI INTERNATIONAL CORP., 290 Davidson Ave, Somerset, NJ 08873 under Bergen County Cooperative #22-24 in an amount not to exceed \$67,840.57.

BE AND IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to continue to obtain the required scanning services from Cranel Imaging, 8999 Gemini Parkway, Columbus, OH 43240 until the transition to SHI International through DRS/Daida, estimated at in amount not to exceed \$6,250.00.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds are available in the amount of \$53,300.57 from Uniform Construction Code Trust Account #16-201-56-850-281850 and \$20,790.00 from Current Fund Account #01-201-20-055-281.

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

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

RESOLUTION #2023-086

RESOLUTION DESIGNATING A CUSTODIAN FOR THE MARLBORO
TOWNSHIP POLICE DEPARTMENT RECORDS

WHEREAS, to ensure public access to government records in accordance with the provisions of N.J.S.A. 47:1A-1, et seq., the Township of Marlboro Police Department desires to designate Lieutenant Alan Bilinski of the Township Police Department's Administration, Police Records Section, as the custodian of the Marlboro Township Police Department records; and

WHEREAS, Township Council of the Township of Marlboro concurs with the designation of Lieutenant Alan Bilinski as custodian of the Township Police Department's records.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Lieutenant Alan Bilinski of Marlboro Police Department's Administration, Police Records Section, be and is hereby designated as custodian of the Marlboro Township Police Department records; and

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

- a. Lieutenant Alan Bilinski
- b. Township Business Administrator
- c. Police Chief

RESOLUTION #2023-087

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE PROVISION OF A 2022 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the PROVISION OF A 2023 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) (Bid 2022-15) on October 5, 2022, and received one (1) bid which was rejected pursuant to N.J.S.A. 40A:11-13.2(e) (Resolution 2022-236); and

WHEREAS, the Township of Marlboro re-advertised for the receipt of bids for the PROVISION OF A 2022 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) (2023-1B) with a bid opening date of March 1, 2023; 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 sole bidder, Altec Industries, Inc. bid numerous exceptions, including the provision of a model year 2027 vehicle with an expected delivery date of August 1, 2026, and, in a document dated February 27, 2023 (attached, labeled Page "9 of 11"), the following qualification:

"Altec will make every effort to honor this quotation, subject to the following provisions. Prices for equipment with production start dates 12 months and beyond are budgetary only due to irregular cost inflation and market volatility. These prices will be reviewed based on market conditions and confirmed closer to the production date. For a quoted chassis model year beyond the current open order bank, chassis model year, specifications and price should be considered estimates only and subject to changes. Chassis model year, specifications and price will be reviewed and confirmed when specific model year information becomes available from the OEM."

WHEREAS, due to the fact that Altec Industries bid a model year 2027 vehicle with a bid price "considered estimates only" and "subject to changes" to be "confirmed within the specific model

year", its proposal is non-responsive, as it failed to include a "not to exceed" price, and as a result, exceeds both the Township's cost estimate and appropriation for the project, and is contrary to the Local Public Contracts Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid received for the project titled 2022 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) is 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 pursuant to N.J.S.A. 40A:11-5(3)b the Business Administrator is hereby authorized to negotiate a contract for the 2022 OR NEWER 4 WHEEL DRIVE TRUCK WITH AN AERIAL LIFT, SERVICE BODY AND ACCESSORIES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW), which may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body, in accordance with the provisions of N.J.S.A. 40A:11-5(3) et seq.

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 #2023-088

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY RENEWING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF MANALAPAN TO PROVIDE BUCKET TRUCK SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, this cooperative Agreement between municipalities would be beneficial to the taxpayers in both municipalities; and

WHEREAS, the Townships of Manalapan and Marlboro are public bodies, corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 19, 2022 (Resolution #2022-123) the Township Council of the Township of Marlboro authorized a Shared Services

Agreement with the Township of Manalapan to provide Bucket Truck Services on an as-needed basis to the Marlboro Department of Public Works; and

WHEREAS, the Townships of Marlboro and Manalapan wish to extend the agreement for another year, the agreement being of mutual benefit to the taxpayers of the municipalities.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary to renew a Shared Services Agreement for BUCKET TRUCK SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS on an as-needed basis.
3. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

RESOLUTION #2023-089

RESOLUTION 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 above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$114,047.16; and

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 #2023-090

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE TOPANEMUS ROAD SIDEWALK IMPROVEMENT PROJECT

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

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as LTPF-2023-Topanemus Road Sidewalk Improvements-00061 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION #2023-094

RESOLUTION AUTHORIZING UNEXPENDED 2022 BALANCES BUDGETED FOR SNOW REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and

WHEREAS, once a snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$400,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$400,000.00 of unexpended 2022 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION #2023-095

RESOLUTION AUTHORIZING UNEXPENDED 2022 BALANCES BUDGETED FOR ACCUMULATED ABSENCES TO BE LAPSED INTO THE ACCUMULATED ABSENCE RESERVE PURSUANT TO NJAC 5:30-15

WHEREAS, NJAC 5:30-15 permits a local unit to establish a reserve for the payment of accumulated absences; and

WHEREAS, the Township of Marlboro has established a reserve for accumulated absences; and

WHEREAS, once an accumulated absence reserve is established, unexpended balances budgeted annually for compensated absences may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$200,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$200,000.00 of unexpended 2022 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION #2023-096

CHANGE IN CUSTODIAN OF PETTY CASH FUND

WHEREAS, Frederick Reck was custodian of the Police Department Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40A:5-21, the Township of Marlboro is changing the custodian to Allan Bilinski; and

WHEREAS, Allan Bilinski is bonded in the amount of \$50,000.00 by virtue of the Township's Public Employee Dishonesty blanket crime policy.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Marlboro, County of Monmouth hereby authorizes such action and two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION #2023-097

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY RENEWING THE SHARED SERVICES AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

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

WHEREAS, the Township of Marlboro and Marlboro Board of Education are public bodies, corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 19, 2022 (Resolution #2022-134) the Township Council authorized an amendment to the Shared Services Agreement to be executed with the Marlboro Board of Education extending the existing agreement to provide for School Resource Officers (SROs) for the 2022/2023 school year; and

WHEREAS, the Township and the MTBOE wish to extend the agreement to include the 2023/2024 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the SRO program in the K-8 schools and endorses this partnership between the Township and the MTBOE.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute the renewal of the Shared Services Agreement with the MTBOE providing for the extension of the School Resource Officer program for the 2023/2024 school year.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2023-098

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY RENEWING A SHARED SERVICES AGREEMENT WITH MARLBORO
BOARD OF EDUCATION TO PROVIDE FOR SCHOOL SECURITY
OFFICERS (SSOs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are committed to providing for the safety of Marlboro's youth while they attend school; and

WHEREAS, a Law was enacted during the 2014-15 session of the New Jersey State Legislature establishing a new class of Special Law Enforcement Officers (Class III) specifically to provide for security in schools under the direction of the local police agency (NJS C.40A:14-146.8 et seq.); and

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

WHEREAS, the Township of Marlboro and Marlboro Township Board of Education are public bodies, corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 19, 2022, the Township and MTBOE (Resolution #2022-135) entered into a shared services agreement to provide for Class III Special Law Enforcement Officers in the Marlboro Township K-8 Schools for the 2022/2023 school year; and

WHEREAS, the Township and the MTBOE wish to reauthorize the agreement to continue the School Security Officer program for the 2023/2024 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the School Security Officer program in the Marlboro K-8 Schools and endorses this partnership between the Township and the MTBOE.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Municipal Clerk are hereby authorized to execute the renewal of the Shared Services Agreement with the MTBOE providing for the extension of the School Security Officer program for the 2023/2024 school year.

4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2023-099

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY RENEWING THE SHARED SERVICES AGREEMENT WITH THE FREEHOLD REGIONAL HIGH SCHOOL DISTRICT ("FRHSD") TO PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN MARLBORO HIGH SCHOOL

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

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

WHEREAS, the Township of Marlboro and Freehold Regional High School District are public bodies, corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 19, 2022 (Resolution #2022-136) the Township Council authorized a Shared Services Agreement to be executed with the FRHSD to provide for School Resource Officers (SROs) for the 2022/2023 school year; and

WHEREAS, the Township and the FRHSD wish to extend the agreement to include the 2023/2024 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the SRO program in Marlboro High School and endorses this partnership between the Township and the FRHSD.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute the renewal of the Shared Services Agreement with the FRHSD providing for the extension of the School Resource Officer program for the 2023/2024 school year.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2023-100

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY RENEWING A SHARED SERVICES AGREEMENT WITH FREEHOLD REGIONAL HIGH SCHOOL DISTRICT ("FRHSD") TO PROVIDE FOR SCHOOL SECURITY OFFICERS(SSOs) IN MARLBORO HIGH SCHOOL

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are committed to providing for the safety of Marlboro's youth while they attend school; and

WHEREAS, a Law was enacted during the 2014-15 session of the New Jersey State Legislature establishing a new class of Special Law Enforcement Officers (Class III) specifically to provide for security in schools under the direction of the local police agency (NJS C.40A:14-146.8 et seq.); and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to

effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Freehold Regional High School District are public bodies, corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on May 19, 2022, the Township and FRHSD (Resolution #2022-137) entered into a shared services agreement to provide for Class III Special Law Enforcement Officers in the Marlboro High School for the 2022/2023 school year; and

WHEREAS, the Township and the FRHSD wish to reauthorize the agreement to continue the School Security Officer program for the 2023/2024 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the School Security Officer program in the Marlboro High School and endorses this partnership between the Township and the FRHSD.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute the renewal of the Shared Services Agreement with the FRHSD providing for the extension of the School Security Officer program for the 2023/2024 school year.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2023-101

AUTHORIZING AMENDMENT TO A SHARED SERVICES AGREEMENT WITH THE
MARLBORO TOWNSHIP BOARD OF EDUCATION FOR FOOD CONCESSION
SERVICES FOR THE MARLBORO RECREATION DEPARTMENT

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

WHEREAS, the Township of Marlboro ("Township") and Marlboro Board of Education ("Board") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township operates the Marlboro Swim Club ("Swim Club") for Marlboro Township and area residents which has a snack bar; and

WHEREAS, the Township sponsors numerous "special events" requiring snacks and refreshments for its senior citizen services programs; and

WHEREAS, the Board contracts with Chartwells, Inc. ("Vendor") as its food service provider for the provision of food service within the schools that comprise the Marlboro Township School District; and

WHEREAS, the Board has agreed to be the lead agency and supply concession services to the Township under its existing service contract; and

WHEREAS, the Township and the Board previously entered into a Shared Services Agreement (Resolution #2022-158) with a term ending on June 30, 2023; and

WHEREAS, the Township and the Board wish to extend the Shared Services Agreement for a term of one year, commencing on or about July 1, 2023 and terminating on June 30, 2024; and

WHEREAS, the parties are of the opinion that the provision of such services can be more efficiently provided through a joint agreement which will ultimately benefit Marlboro residents; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the services contemplated herein; and

WHEREAS, the Mayor and Marlboro Township Council concur with the recommendation of the Recreation Director to renew the Shared Services Agreement with the Board of Education substantially under the same terms and conditions; and

WHEREAS, the Department of Recreation has estimated the contract not to exceed amounts, and funds have been certified by the Chief Financial Officer accordingly, as follows:

Senior Citizen Special Events	01-201-28-145-219470	\$
4,400		
Swim Club	09-201-55-400-219452	
\$34,000		

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute and witness, respectively, the renewal of the Shared Services Agreement.

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes.

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Municipal Clerk's Office.

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

- a. Marlboro Township Board of Education
- b. Township Business Administrator
- c. Township Director of Recreation
- d. Chief Financial Officer

RESOLUTION #2023-102

A RESOLUTION AUTHORIZING THE REJECTION OF PROPOSAL FOR
THE PROVISION OF 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 Tennis, Lacrosse, Soccer, Hockey, 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 opened the single proposal received for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT from Slam Dunk Sportz, 25 Westbrook Drive, Morganville, NJ 07751; and

WHEREAS, the proposal received did not include the required bid security; and

WHEREAS, as per N.J.S.A. 40A:11-23.2 the required mandatory items for bids, the failure to submit the requested performance security is considered a "fatal flaw" rendering the proposal unresponsive; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the proposal received for THE PROVISION OF YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT is hereby rejected pursuant to N.J.S.A. 40A:11-23.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized to reissue a solicitation for a contract for the PROVISION OF YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid proposal.

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 #2023-103

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$3,305.67 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 \$3,305.67 be refunded to the certificate holders as per Schedule "A".

RESOLUTION #2023-104

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A WATER UTILITY DEVELOPER'S AGREEMENT WITH SPG MARLBORO URBAN RENEWAL, LLC CONCERNING BLOCK 111, LOT 4.01 (FORMERLY LOTS 4 AND 10-13), TEXAS ROAD IN THE TOWNSHIP OF MARLBORO

WHEREAS, SPG Marlboro Urban Renewal LLC (the "SPG Marlboro") is the developer of certain real property known as Block 111, Lot 4.01 (formerly Block 111, Lots 4 & 10-13) in the Township of Marlboro, County of Monmouth, State of New Jersey (the "Property"); and

WHEREAS, SPG Marlboro has proposed to redevelop the Property by constructing two inclusionary affordable housing developments consisting of 280 total residential units with a 20% set aside for affordable housing units (the "Project"), and has requested water service for the Project from the Marlboro Township Water Utility Division; and

WHEREAS, pursuant to Resolution #2022-227, adopted on October 20, 2022, the Township of Marlboro (the "Township") and SPG Marlboro entered into a Water Utility Developer's Agreement (the "Developer's Agreement") to ensure the availability of water service to SPG Marlboro and to memorialize the terms and conditions associated with the Township's provision of water service to the Project; and

WHEREAS, the Township and SPG Marlboro have negotiated and desire to enter into an Amendment to Developer's Agreement (the "Amendment") to provide further clarification as to SPG Marlboro's obligations in connection with the Township's provision of water service, in a form substantially similar to the Amendment appended hereto as Attachment A, subject to the approval of the Township Attorney; and

WHEREAS, after analysis and review, the Township has determined that it is in its best interest to enter into the Amendment in a form substantially similar to the Amendment appended hereto as Attachment A, subject to the approval of the Township Attorney.

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 Amendment to Developer's Agreement with SPG Marlboro Urban Renewal LLC memorializing additional obligations in connection with the Township's provision of water service to the proposed two inclusionary affordable housing developments consisting of 280 total residential units with a 20% set aside for affordable housing units at real property known as Block 111, Lot 4.01 (formerly Block 111, Lots 4 & 10-13), in a form substantially similar to the Amendment attached hereto as Attachment A, subject to the review and approval of the Township Attorney.
3. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

The following Resolution #2023-091 (Authorizing Self-Examination of 2023 Municipal Budget) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Scalea and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-091

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Marlboro has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Township of Marlboro that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the

governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth,
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

The following Resolution #2023-092 (Authorizing Self-Examination of 2023 Municipal Budget) was introduced by reference, offered by

Councilman Scalea, seconded by Councilman Milman and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-092

RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION RESERVES
DURING FIRST THREE MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2022 Municipal Budget) as follows:

CURRENT:			
Account No.	Account	From	To
01-203-23-100-202	(2022) Employee Insurance Other Expenses	\$ 260,000.00	
01-203-25-106-101	(2022) Police Salaries & Wages	199,000.00	
01-203-26-119-288	(2022) Snow Removal Other Expenses		\$ 260,000.00
01-203-30-184-112	(2022) Accumulated Absences Other Expenses		199,000.00
		<u>\$ 459,000.00</u>	<u>\$ 459,000.00</u>

The following Resolution #2023-093 (Authorizing Unexpended 2022 Balances Budgeted for Snow Removal to Lapse into Snow Removal Reserve) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo voted no.

RESOLUTION #2023-093

RESOLUTION ADOPTING A TEMPORARY CAPITAL BUDGET
CALENDAR YEAR 2023

WHEREAS, the Township of Marlboro, County of Monmouth, desires to establish a 2023 Temporary Capital Budget to permit various capital improvements,

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

SECTION 1.

The 2023 Temporary Capital Budget for Township of Marlboro is hereby constituted as follows:

Project Title	Estimated 2023 Cost	Capital Improvement Fund	Debt Authorized
<u>General Capital</u>			
Bldg Improvements	428,188.28	21,145.10	407,043.18
Equipment-DPW	354,375.00	17,500.00	336,875.00
Equipment-Police Dept	419,196.87	20,701.08	398,495.79
Furniture	21,191.63	1,046.50	20,145.13
HVAC Improvements	376,650.00	18,600.00	358,050.00
Land Acquisition	162,000.00	8,000.00	154,000.00
MIS Equipment	377,763.75	18,655.00	359,108.75
Park Improvements	226,498.28	11,185.10	215,313.18
Street Improvements and Resurfacing	4,294,518.75	212,075.00	4,082,443.75
Vehicles-Ambulance	70,875.00	3,500.00	67,375.00
Vehicles-DPW	298,687.50	14,750.00	283,937.50
Vehicles-Other	5,062.50	250.00	4,812.50
Vehicles-Police Dept	45,023.85	2,223.40	42,800.45
	7,080,031.40	349,631.18	6,730,400.22
<u>Water Capital</u>			
Equipment-Water	75,937.50		75,937.50
Vehicles-DPW	91,125.00		91,125.00
Water System Improvements	1,071,225.00		1,071,225.00
Water Well Upgrade or Rehab	2,480,625.00		2,480,625.00
	3,718,912.50	-	3,718,912.50
<u>Recreation Capital</u>			
Swim Club Improvements	213,303.38		213,303.38
	213,303.38	-	213,303.38

SECTION 2.

The Municipal Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

SECTION 3.

The aforementioned capital projects shall be included in the 2023 Permanent Capital Budget as adopted.

Citizen's Voice:

William Waple of 16 Calder Court respectfully requested that the 2023 Memorial Day service be moved back a week from its scheduled date. He believes that more people will be able to attend the week prior to Memorial Day instead of the proposed scheduled date.

Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey still 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 8:43 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:

OFFERED BY: MARDER

AYES: 5

SECONDED BY: DINUZZO

NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
042023

JUNED QAZI,
COUNCIL PRESIDENT