

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 26, 2008

The Marlboro Township Council held its rescheduled meeting on June 26, 2008 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this rescheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on May 16, 2008; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the Township Website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Councilwoman Marder, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Jonathan L. Hornik, Jonathan Williams, Esq., Ronald Gordon, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Councilman LaRocca moved that the minutes of May 15, 2008 be approved. This motion was seconded by Councilwoman Marder and the minutes were passed on a roll call vote of 4 - 0 in favor with Council President Cantor abstaining.

The following Resolution # 2008-208 (Emergency Temporary Appropriation Budget Amendments) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman LaRocca. Chief Financial Director Ulrich Steinberg was present and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-208

EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation in anticipation of the adoption of the 2008 Municipal budget; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2008 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$24,041,852.26 for the municipal budget and \$793,025.85 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2008 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

<u>Appropriations</u>	<u>2008 Proposed Municipal Budget</u>	<u>2008 Temporary Emergency Appropriation</u>
Administration		
Salary & Wages	160,000.00	107,200.00
Other Expenses	176,660.00	118,362.20
Office of the Mayor		
Salary & Wages	65,000.00	43,550.00
Other Expenses	5,000.00	3,350.00
Township Council		

Salary & Wages	18,000.00	12,060.00
Other Expenses	3,500.00	2,345.00
Public Information		
Salary & Wages	0.00	0.00
Other Expenses	0.00	0.00
Municipal Clerk		
Salary & Wages	197,000.00	131,990.00
Other Expenses	67,200.00	45,024.00
Finance		
Salary & Wages	236,500.00	158,455.00
Other Expenses	26,500.00	17,755.00
Annual Audit	35,000.00	0.00
Central Computer Services		
Salary & Wages	32,500.00	21,775.00
Other Expenses	24,800.00	16,616.00
Tax Collector		
Salary & Wages	235,000.00	157,450.00
Other Expenses	29,250.00	19,597.50
Tax Assessor		
Salary & Wages	227,500.00	152,425.00
Other Expenses	87,100.00	58,357.00
Legal Services		
Other Expenses	400,000.00	268,000.00
Engineering Services		
Salary & Wages	305,000.00	204,350.00
Other Expenses	130,750.00	87,602.50
Economic Development		
Salary & Wages	2,000.00	1,340.00
Other Expenses	10,000.00	6,700.00
Grant Administration		
Salary & Wages	0.00	0.00
Other Expenses	12,000.00	8,040.00
Cable Studio		

Salary & Wages	0.00	0.00
Other Expenses	50,000.00	33,500.00
Inter- Governmental Relations		
Other Expenses	1,000.00	670.00
Historic Sites Commission		
Other Expenses	3,000.00	2,010.00
Planning Board		
Salary & Wages	68,850.00	46,129.50
Other Expenses	40,500.00	27,135.00
Planning Board Contractual		
Other Expenses	31,400.00	21,038.00
Zoning Board		
Salary & Wages	174,000.00	116,580.00
Other Expenses	47,650.00	31,925.50
Police		
Salary & Wages	8,440,000.00	5,654,800.00
Other Expenses	385,250.00	258,117.50
Crime Prevention		
Other Expenses	37,130.00	24,877.10
School Educational Programs		
Other Expenses	16,900.00	11,323.00
Highway Safety		
Other Expenses	33,000.00	22,110.00
Emergency Management		
Salary & Wages	23,000.00	15,410.00
Other Expenses	16,850.00	11,289.50
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	141,500.00	94,805.00
Other Expenses	15,050.00	10,083.50

Municipal Prosecutors Office		
Salary & Wages	34,000.00	22,780.00
Streets and Road Maint		
Salary & Wages	1,700,000.00	1,139,000.00
Other Expenses	45,790.00	30,679.30
Snow Removal		
Salary & Wages	50,000.00	33,500.00
Other Expenses	365,790.00	245,079.30
Public Works - Other		
Salary & Wages	377,000.00	252,590.00
Other Expenses	66,020.00	44,233.40
Shade Tree Commission		
Salary & Wages	0.00	0.00
Other Expenses	2,000.00	1,340.00
Solid Waste Collection		
Salary & Wages	23,000.00	15,410.00
Other Expenses	700,528.00	469,353.76
Buildings & Grounds		
Salary & Wages	454,500.00	304,515.00
Other Expenses	212,140.00	142,133.80
Vehicle Maintenance		
Salary & Wages	440,000.00	294,800.00
Other Expenses	129,800.00	86,966.00
Community Services Act		
Other Expenses	94,700.00	0.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	4,355.00
Other Expenses	1,890.00	1,266.30
Drug Abuse Control		
Salary & Wages	4,000.00	2,680.00
Other Expenses	7,550.00	5,058.50
Environmental Health Services		

Salary & Wages	2,000.00	1,340.00
Other Expenses	8,000.00	5,360.00
Animal Control Services		
Other Expenses	52,000.00	34,840.00
Recreation		
Salary & Wages	487,500.00	326,625.00
Other Expenses	138,822.00	93,010.74
Teen Program		
Salary & Wages		
Other Expenses	20,000.00	13,400.00
Summer Youth Activities		
Salary & Wages		
Other Expenses	0.00	0.00
Park Maintenance		
Salary & Wages	570,000.00	381,900.00
Other Expenses	44,680.00	29,935.60
Municipal Library		
Other Expenses	16,200.00	10,854.00
Municipal Court		
Salary & Wages	350,000.00	234,500.00
Other Expenses	129,600.00	86,832.00
Public Defender		
Salary & Wages		0.00
Other Expenses	17,000.00	11,390.00
Ethics Commission		
Salary & Wages		
Other Expenses	2,500.00	1,675.00
Open space Committee		
Other Expenses	2,500.00	1,675.00
Liability Insurance	397,675.00	397,675.00
Workers Comp	525,000.00	525,000.00
Group Insurance	2,304,500.00	2,304,500.00

Homeland Security		
Salary & Wages	30,000.00	20,100.00
Other Expenses	54,500.00	36,515.00
Affordable Housing		
Salary & Wages	4,000.00	2,680.00
Other Expenses	4,300.00	2,881.00
Accumulated Leave Compensation	1,000.00	670.00
Electricity	394,000.00	263,980.00
Street Lighting	634,000.00	424,780.00
Telephone	150,000.00	100,500.00
Water	20,000.00	13,400.00
Natural Gas	95,000.00	63,650.00
Sewer	10,000.00	6,700.00
Gasoline	433,000.00	290,110.00
Landfill Disposal Costs	201,300.00	134,871.00
Postage		0.00
Other Expenses	60,000.00	40,200.00
Contingent	10,000.00	0.00
Prior Year Bills	15,500.00	0.00
Deficit in Animal control	5,138.89	0.00
FICA	1,050,000.00	703,500.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	1,710,000.00	1,710,000.00
PERS	452,500.00	452,500.00
Police Dispatch 911		

Salary & Wages	660,000.00	442,200.00
Other Expenses	248,000.00	166,160.00
SFSP Fire District Payments		
Other Expenses	14,229.00	0.00
Clean Communities Act	45,545.33	45,545.33
Monmouth Drug & Alcohol		
Grant Share	32,008.00	32,008.00
Local Share	8,002.00	8,002.00
Recycling tonnage Grant	25,100.67	25,100.67
Body Armor grant	8,007.68	8,007.68
StormWater Management Grant	20,619.00	20,619.00
Smart Growth Grant - Grant Share	50,000.00	0.00
Smart Growth Grant - Local Share	50,000.00	
Body Armor grant	2,086.08	2,086.08
Highway Safety grant	47,000.00	47,000.00
Pedestrian Safety	12,496.00	12,496.00
NJDOT - Union Hill Road	160,000.00	160,000.00
Capital Improvement Fund	150,000.00	0.00
Bond Principal	1,798,000.00	1,798,000.00
Bond Anticipation Notes	41,175.00	41,175.00
Bond Interest	650,000.00	650,000.00
Note Interest	182,000.00	182,000.00
Green Acres Trust - P & I	28,865.00	28,865.00
Capital Lease program		
Principal	462,100.00	462,100.00
Interest	63,050.00	63,050.00
Emergency Authorizations	305,000.00	0.00

Deferred Charges		
Reserve for Uncollected Taxes	1,825,000.00	0.00
Total	34,162,047.65	24,041,852.26

Swim Utility	Proposed 2008 Operating Budget	2008 Temporary Emergency Appropriation
Salary & Wages	421,500.00	282,405.00
Other Expenses	645,255.00	432,320.85
Capital Outlay	100,000.00	67,000.00
Payment of Bond Principal	10,000.00	10,000.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,300.00	1,300.00
Payment of Note Principal		
Totals	1,178,055.00	793,025.85

Council President Cantor opened the Public Hearing on 2008 Municipal budget. As there was no one who wished to speak, the Public Hearing was closed. Resolution # 2008-209 (Adoption of 2008 Municipal Budget) was tabled to the July 17th, so that amendments can be prepared based on the reduction in State aid. Motion to table was made by Council Vice President Rosenthal, seconded by Councilwoman Marder, and was passed on a roll call vote of 5 - 0 in favor of tabling.

Council President Cantor opened the Public Hearing on Ordinance # 2008-20 (Amend Chapter 84 - Fences - Properties Adjacent to Route 18). After the Public Hearing was held and closed, discussion followed, after which the following Resolution Res. # 2008-210/Ord. # 2008-20 (Amend Chapter 84 - Fences - Properties Adjacent to Route 18) was introduced as amended by

reference, offered by Councilwoman Tragni, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-210

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-20 (AS AMENDED)

AN ORDINANCE, AMENDING AND SUPPLEMENTING SECTION 58 "FENCES" OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS, ADDING A NEW SECTION 84-58(A)(9)

which was introduced on June 5, 2008, public hearing held June 26, 2008, be adopted on second and final reading this 26th day of June, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2008-20 (AS AMENDED)

AN ORDINANCE, AMENDING AND SUPPLEMENTING SECTION 58 "FENCES" OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS, ADDING A NEW SECTION 84-58(A)(9)

WHEREAS, Section 58 "Fences", of Chapter 84 "Land Use Development And Regulations" generally prescribes that fences shall not exceed six feet above ground level for any side or rear yard area in the Township; and

WHEREAS, Section 58 "Fences" of Chapter 84 "Land Use Development and Regulations" permits certain exceptions to the aforementioned rule that fences shall not exceed six feet above ground level for any side or rear yard area in the Township; and

WHEREAS, the Council has determined that another exception should be created to permit fences to exceed six feet above ground level for certain side or rear yards that abut the right of way of Route 18 in the Township;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 84 "Land Use Development and Regulation", Section 58(A)(9) is hereby added to the Code of the Township of Marlboro as follows:

"Section 84-58(A)(9) Fences not exceeding 12 feet in height for any property in a residential zone that has a side or rear yard that abuts the right of way of Route 18, provided that the fence may not be constructed on a berm that exceeds four feet in height, and further provided that if a fence is located on a berm that is equal to or less than four feet in height, the total height of the fence and the berm cannot exceed 16 feet in height. In addition, the following shall apply to all fences erected pursuant to this subsection:

(a) The side or rear yard fence may be erected on the side or rear lot-line that abuts the right of way of Route 18.

(b) A side or rear yard fence permitted under this subsection must be constructed of wood, wood composite, or other solid materials that shall have the ability to absorb sound. The side or rear yard fence must also have a plain post and the side of the fence facing the highway must remain a natural color. However, the side of the fence that faces Route 18 may be treated so long as it is not stained in other than a natural wood color.

(c) If the side or rear yard fence is not erected on the lot-line that abuts the right of way of Route 18, then the area between the fence and the Route 18 right of way must be landscaped in a diamond pattern. The landscaping shall consist of a double row of White Pine, White Fir, Fraser Fir, Colorado Spruce, Fir or Norway Spruce trees having a minimum size of three to four feet in height. The trees must be balled and burlapped. The trees shall be so located as to be 20 feet from center to center. The second row of trees shall be six feet behind the first row planted, however, in a diamond pattern. The trees shall be offset five feet from the property line and the fence. As a condition of the issuance of any permit under this subsection, the homeowner shall remain responsible for the maintenance and upkeep of the area between the fence and right of way of Route 18.

(d) All side or rear yard fences erected pursuant to this section must be erected to present a uniform top height, no gaps, or other variations in top height are permitted.

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

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

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

Council President Cantor opened the Public Hearing on Ordinance # 2008-22 (No Parking - Tennent Road - between Amboy Road and Commercial Court). As there as no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2008-211/Ord. # 2008-22 (No Parking - Tennent Road - between Amboy Road and Commercial Court) was introduced by reference, offered by Council President Cantor and seconded by Councilwoman Tragni. Discussion followed, after which the Resolution/ Ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-211

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-22 (AS AMENDED)

AN ORDINANCE AMENDING SECTION 138-38 "SCHEDULE I: NO PARKING" OF CHAPTER 138 "VEHICLES AND TRAFFIC", ARTICLE XIV "SCHEDULES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROHIBIT PARKING ON TENNENT ROAD ON BOTH SIDES BETWEEN AMBOY ROAD AND COMMERCIAL COURT IN THE TOWNSHIP OF MARLBORO

which was introduced on June 5, 2008, public hearing held June 26, 2008, be adopted on second and final reading this 26th day of June, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Councilwoman Marder recused herself and left the room. Council President Cantor opened the Public Hearing on Ordinance # 2008-23 (Bond Ordinance - Acquisition of Property - F & F Nurseries). As there as no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2008-212/Ord. # 2008-23 (Bond Ordinance - Acquisition of Property - F & F Nurseries) was introduced by reference, offered by

Councilwoman Tragni, seconded by Councilman LaRocca, and was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-212

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-23

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$950,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$902,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on June 5, 2008, public hearing held June 26, 2008, be adopted on second and final reading this 26th day of June, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2008-23

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$950,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$902,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS: Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$950,000 including the sum of \$47,500 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The Down Payment is now available by virtue of provision of moneys in the Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$902,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the acquisition of approximately 78.4 acres of property located in the Township from F&F Nurseries, including all other work and materials necessary therefor and incidental thereto. The improvements authorized and the purpose for which obligations are to be issued are intended to comply with the limitations contained in Ordinance No. 2000-22, adopted by the Township Council on October 12, 2000, as amended, and approved by the voters of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. 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 shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to 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 not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 amount, the description, the interest rate and the maturity

schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond 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 amended 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 Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. 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 and notes provided in this bond ordinance by \$902,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$47,500 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 improvement or purpose.

(e) The Township reasonably expects to commence acquisition of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs

are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. 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 real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution # 2008-213/Ord. # 2008-24 (Emergency Management - CERT) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni. Discussion followed, Council President Cantor explained the ordinance and answered Council's questions. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-213

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE XIV, "DEPARTMENT OF PUBLIC SAFETY" CHANGING THE NAME OF THE "DIVISION OF CIVIL DEFENSE" TO "OFFICE OF EMERGENCY MANAGEMENT" AND DETAILING THE RESPONSIBILITIES AND DUTIES OF THE OFFICE OF EMERGENCY MANAGEMENT; CREATING AND DETAILING THE RESPONSIBILITIES OF THE "MARLBORO EMERGENCY MANAGEMENT COUNCIL" AND CREATING AND DETAILING THE RESPONSIBILITIES OF "MARLBORO EMERGENCY MANAGEMENT

VOLUNTEERS" AS INTEGRAL PARTS OF EMERGENCY MANAGEMENT PLANNING
AND PREPARATION IN THE TOWNSHIP.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 17, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE XIV, "DEPARTMENT OF PUBLIC SAFETY" CHANGING THE NAME OF THE "DIVISION OF CIVIL DEFENSE" TO "OFFICE OF EMERGENCY MANAGEMENT" AND DETAILING THE RESPONSIBILITIES AND DUTIES OF THE OFFICE OF EMERGENCY MANAGEMENT; CREATING AND DETAILING THE RESPONSIBILITIES OF THE "MARLBORO EMERGENCY MANAGEMENT COUNCIL" AND CREATING AND DETAILING THE RESPONSIBILITIES OF "MARLBORO EMERGENCY MANAGEMENT VOLUNTEERS" AS INTEGRAL PARTS OF EMERGENCY MANAGEMENT PLANNING AND PREPARATION IN THE TOWNSHIP.

WHEREAS, the Township of Marlboro desires to change the name of the Division of Civil Defense to Office of Emergency Management to align the terminology in the Code of the Township of Marlboro with state law governing emergency management preparation and response as set forth in N.J.S.A. Appendix A:9-38 et seq.; and

WHEREAS, the Township of Marlboro is required to create a "local emergency management council" pursuant to N.J.S.A. Appendix A:9-41, which shall be know as the "Marlboro Emergency Management Council"; and

WHEREAS, the Township of Marlboro desires to create the legal mechanism for recognition of "Emergency Management Volunteers", also known as "Civil Defense Volunteers", as that term is defined in N.J.S.A. Appendix A:9-57 so that those volunteers will be entitled to the benefits and protections provided by N.J.S.A. Appendix A:9-57, and other applicable law; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") has created a program called "Citizen Corps" which request that citizens embrace their personal responsibility to be prepared, to get training in first aid and emergency skills, and to support local emergency responders, disaster relief and community safety; and

WHEREAS, the Citizen Corps administers a program whereby individuals are trained as members of "Civilian Emergency Response Teams" ("CERT") so that they can help themselves, their families and their neighbors in the event of a disaster in their community; and

WHEREAS, CERT teaches citizens about disaster preparedness, and provides training in basic disaster response skills such as fire safety, light search and rescue, and disaster medical operations so that volunteers can provide critical support by giving immediate assistance to victims before emergency first responders arrive on the scene, as well as supporting the community year round by participating in community preparedness outreach activities, including the distribution of materials on disaster preparedness and education; and

WHEREAS, the Township of Marlboro desires to create the legal mechanism for CERT members to be eligible, recognized "Emergency Management Volunteers" and obtain the benefits and protections provided by N.J.S.A. Appendix A:9-57 and other applicable law;

NOW THEREFORE BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 4, *Administration of Government*, Article XIV, *Department of Public Safety*, Section 4-97, of the Code of the Township of Marlboro be and is hereby amended and supplemented as follows:

Section 4-97(E) is hereby amended changing the name of the "Division of Civil Defense" to the "Office of Emergency Management"

BE AND IT IS HEREBY FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 4, *Administration of Government*, Article XIV, *Department of Public Safety*, Section 4-102, of the Code of the Township of Marlboro be and is hereby replaced in its entirety with the following provisions:

"Section 4-102 Office of Emergency Management

A. There shall be established within the Department of Public Safety an Office of Emergency Management, the head of which shall be the Municipal Emergency Management Coordinator, who shall have the functions, powers and duties of a municipal disaster control director as provided by law.

B. The Mayor shall appoint a Municipal Emergency Management Coordinator from among the residents of the Township for a term of three (3) years.

C. As a condition of appointment, and the right to continue for the full term of appointment, the Municipal Emergency Management Coordinator shall have successfully completed all training required by law in the time period prescribed by law.

D. The Municipal Emergency Management Coordinator shall appoint a Deputy Municipal Emergency Management Coordinator with the approval of the Mayor. Wherever possible the Deputy Municipal Emergency Management Coordinator shall be appointed from among the salaried officers or employees of the municipality.

E. The Municipal Emergency Management Coordinator shall be responsible for planning, activating, coordinating and conducting emergency management operations in the Township of Marlboro pursuant to all applicable laws, including the power to proclaim a state of local disaster emergency, and issue and enforce all orders that may be necessary to implement and carry out emergency management operations and to protect the health, safety and resources of the residents of the Township of Marlboro.

F. The Municipal Emergency Management Coordinator shall also serve as the Chairman of the Marlboro Emergency Management Council."

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 4, *Administration of Government*, Article XIV, *Department of Public Safety*, Section 4-102, of the Code of the Township of Marlboro be and is hereby amended and supplemented adding the follow Section 4-102.1 as follows:

"Section 4-102.1 Marlboro Emergency Management Council

A. There shall be established of, but not within the Department of Public Safety, the "Marlboro Emergency Management Council"

B. The Marlboro Emergency Management Council shall be composed of not more than 15 members who shall be appointed by the Mayor, who shall hold office at the will and pleasure of

the Mayor. Members of the Marlboro Emergency Management Council may also be members of other agencies created because of any emergency.

C. The Municipal Emergency Management Coordinator shall be a member of the Marlboro Emergency Management Council, and shall serve as the Chairman of the Marlboro Emergency Management Council.

D. The Marlboro Emergency Management Council shall assist the Township in establishing the local volunteer agencies needed to meet the requirements of all applicable laws, regulations and orders.

E. The Marlboro Emergency Management Council may, within the limits of appropriations, establish an adequate organization to assist in supervising and coordinating emergency management activities in Marlboro Township."

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 4, *Administration of Government*, Article XIV, *Department of Public Safety*, Section 4-102, of the Code of the Township of Marlboro be and is hereby amended and supplemented adding the follow Section 4-102.2 as follows:

"Section 4-102.2 Marlboro Emergency Management Volunteers

A. An Emergency Management Volunteer is a natural person who is registered with the Marlboro Emergency Management Council and holds a valid identification card issued by the Chairman of the Marlboro Emergency Management Council for the purpose of engaging in authorized civil defense or other qualified emergency response service without pay or other consideration. An Emergency Management Volunteer is also known as a "Civil Defense Volunteer" as that term is defined by law.

B. A member of a Community Emergency Response Team (CERT) shall qualify as an Emergency Management Volunteer provided that the CERT member provides satisfactory proof of CERT training, registers with the Marlboro Emergency Management Council and is issued an identification card by the Chairman of the Marlboro Emergency Management Council.

C. All Emergency Management Volunteers shall adhere to the training and educational regime established by the Marlboro Emergency Management Council to continue to be eligibility to

serve as a Marlboro Emergency Management Volunteer. The Chairman of the Local Emergency Management Council shall revoke the identification card of any volunteer who fails to maintain their qualifications to serve as an emergency management volunteer.

D. Emergency Management Volunteers shall be entitled to the benefits established in N.J.S.A. Appendix A:9-57 et seq., and all other benefits and protections provided 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 only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

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

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

The following Resolution # 2008-214/Ord. # 2008-25 (Redevelopment Plan - Marlboro Hospital) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman LaRocca. Township Attorney Jonathan Williams, Esq. explained the Ordinance and answered Mayor and Council's questions. After discussion, the Resolution/Ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-214

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-25

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO ADOPTING A REDEVELOPMENT PLAN FOR THE MARLBORO HOSPITAL PROPERTY WHICH PROVIDES FOR THE USE OF THE MARLBORO HOSPITAL PROPERTY FOR OPEN SPACE, RECREATIONAL AND GOVERNMENTAL USES AS DEFINED IN THE PLAN AND WHICH PERMITS ALTERNATIVE ENERGY GENERATION ON SITE CONSISTENT WITH THE "MARLBORO HOSPITAL REDEVELOPMENT PLAN", PREPARED BY HEYER, GRUEL & ASSOCIATES, DATED MAY 21, 2008

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 17, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance

ORDINANCE # 2008-25

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO ADOPTING A REDEVELOPMENT PLAN FOR THE MARLBORO HOSPITAL PROPERTY WHICH PROVIDES FOR THE USE OF THE MARLBORO HOSPITAL PROPERTY FOR OPEN SPACE, RECREATIONAL AND GOVERNMENTAL USES AS DEFINED IN THE PLAN AND WHICH PERMITS ALTERNATIVE ENERGY GENERATION ON SITE CONSISTENT WITH THE "MARLBORO HOSPITAL REDEVELOPMENT PLAN", PREPARED BY HEYER, GRUEL & ASSOCIATES, DATED MAY 21, 2008

WHEREAS, the Township Council of the Township of Marlboro by Resolution No. 2000-247 authorized the Planning Board of the Township of Marlboro ("Planning Board") to undertake a preliminary investigation as to whether the Marlboro Hospital Property, known and designated as Block 159, Lot 11 (the "Marlboro Hospital Property"), was an "Area in Need of Redevelopment"; and

WHEREAS, by Resolution adopted on October 18, 2000, the Planning Board determined that the Marlboro Hospital Property met the criteria to be classified as a redevelopment area under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., and recommended to the Township Council that the Marlboro Hospital Property be declared an "Area in Need of Redevelopment"; and

WHEREAS, by Resolution No. 2001-12, the Township Council designated the Marlboro Hospital Property as a "Redevelopment Area" of Marlboro Township, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"), and declared that all such lands, buildings, streets and improvements contained within and upon the Marlboro Hospital Property be included as part of the designated "Redevelopment Area"; and

WHEREAS, in accordance with the LRHL and in order to provide for the orderly and appropriate planning, development, redevelopment and rehabilitation of the Marlboro Hospital Property, the Township Council on March 15, 2001 adopted a "Redevelopment Plan (prepared by Maser Consulting, P.A., dated February 2001, as amended March 1,

2001) for the Marlboro Hospital Property, known and designated as Block 159, Lot 11" (the "2001 Redevelopment Plan") by Ordinance No. 2001-3 and elected to serve as the redevelopment entity for the Marlboro Hospital Property; and

WHEREAS, in furtherance of and consistent with the 2001 Redevelopment Plan, the Township had previously authorized the solicitation of proposals from qualified firms in order to obtain conceptual plans for the redevelopment of the Marlboro Hospital Property and further authorized certain Memorandums of Understanding which provided for the negotiation of an Agreement for Purchase of the Marlboro Hospital Property from the State of New Jersey; and

WHEREAS, the Township, in the course of its due diligence efforts, determined that there were several environmental regulations that significantly impacted and constrained the feasibility and implementation of the 2001 Redevelopment Plan for the Marlboro Hospital Property; and

WHEREAS, these constraints included: (1) the designation by the New Jersey Department of Environmental Protection ("NJDEP") of the Marlboro Hospital Property as being located in a C-1 Water Quality Area; (2) amendments to the NJDEP Stormwater Management Rules; and (3) a modification to the governing Wastewater Management Plan applicable to the Marlboro Hospital Property, all of which put severe limitations upon the sewer service area and which provided for the decommissioning of the existing wastewater treatment facility located on the Property; and

WHEREAS, in recognition of these environmental constraints which rendered many of the goals of the 2001 Redevelopment Plan unachievable, the Township Council by Ordinance No. 2003-21 determined that the ordinance adopting the 2001 Redevelopment Plan should be rescinded, while maintaining the Marlboro Hospital Property's designation as a Redevelopment Area; and

WHEREAS, the Township Council determined to continue its negotiations with the State of New Jersey for acquisition of the Marlboro Hospital Property and further determined to examine the feasibility of developing the Marlboro Hospital Property in a manner which recognizes the sensitivity and environmental limitations of the Marlboro Hospital Property which dramatically affect the residents of Marlboro Township and Monmouth County; and

WHEREAS, the Township Council determined that it would be in the best interests of the Township and the future use of the

Marlboro Hospital Property to direct the preparation of a new redevelopment plan which would take into consideration the environmental limitations on future development and recognize that title to the Marlboro Hospital Property would be acquired with restrictions limiting development to open space, conservation and other approved public use; and

WHEREAS, the Township Council intended that the preparation, adoption and implementation of a new redevelopment plan for the Marlboro Hospital Property would be undertaken on an expedited basis and in accordance with the process mandated by applicable laws, with the benefit of additional public input, with the implementation of any such plan being strictly contingent upon the Township's ability to acquire and develop the Marlboro Hospital Property without any negative financial impact or risk to the Township; and

WHEREAS, Heyer, Gruel & Associates has prepared a Redevelopment Plan for the Township that meets the Township's goals of addressing the environmental sensitivity of the area, and which promotes open space, governmental and recreational uses and which allows for the adaptive re-use of existing structures, and which further permits recreational, open space, governmental and non-profit uses, while encouraging alternative technologies for the provision of energy on-site; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it is in the best interest of the Township that the governing body execute the responsibilities of implementing a redevelopment plan and carrying out redevelopment projects pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-8; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, it is necessary for the Township of Marlboro to adopt, by ordinance, the Redevelopment Plan prepared by Heyer, Gruel & Associates for the undertaking and carrying out of redevelopment projects in the designated "Redevelopment Area"; and

WHEREAS, the Township Council believes that the adoption of the attached Redevelopment Plan is consistent with the Master Plan of the Township of Marlboro in that it creates open space and conserves environmentally sensitive areas.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY that:

1. That the Township Council of the Township of Marlboro does hereby adopt the attached Redevelopment Plan entitled,

"Marlboro Hospital Redevelopment Plan", prepared by Heyer, Gruel & Associates, dated May 21, 2008 for the Marlboro Hospital Property, known and designated as Block 159, Lot 11 ("Redevelopment Plan").

2. That all land, buildings, streets and improvements comprising the Marlboro Hospital Property shall be redeveloped in accordance with the said Redevelopment Plan.
3. That the said Redevelopment Plan shall be subject to and consistent with the provisions set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
4. That, in accordance with N.J.S.A. 40A:12A-7, the Redevelopment Plan adopted hereunder shall supersede applicable provisions of the Marlboro Zoning/Development Regulations.
5. That, in accordance with N.J.S.A. 40A:12A-7, and to the extent necessary, the within Ordinance shall explicitly amend the Marlboro Township Zoning District Map, so as to indicate and delineate the subject Redevelopment Area to which the within Ordinance applies. (As such, the appropriate Marlboro Township officials are authorized to amend the Zoning District Map, as necessary.)
6. That the Mayor, Township Business Administrator, Township Clerk, Township Attorney, and other appropriate Township officials are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance.
7. That the Redevelopment Plan adopted hereunder shall be kept on file in the Marlboro Township Clerk's Office, copies of which may be obtained at no charge.
8. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

9. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
10. That the within Ordinance shall take effect immediately, or as otherwise allowed by law.

The following Res. # 2008-215 (Referring Redevelopment Plan for Marlboro State Hospital for Review and Recommendation) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-215

A RESOLUTION REFERRING THE REDEVELOPMENT PLAN FOR
THE MARLBORO HOSPITAL PROPERTY TO THE PLANNING BOARD
OF THE TOWNSHIP OF MARLBORO FOR ITS REVIEW AND RECOMMENDATION

WHEREAS, the Township Council of the Township of Marlboro by Resolution No. 2000-247 authorized the Planning Board of the Township of Marlboro ("Planning Board") to undertake a preliminary investigation as to whether the Marlboro Hospital Property, known and designated as Block 159, Lot 11 (the "Marlboro Hospital Property"), was an "Area in Need of Redevelopment"; and

WHEREAS, by Resolution adopted on October 18, 2000, the Planning Board determined that the Marlboro Hospital Property met the criteria to be classified as a redevelopment area under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., and recommended to the Township Council that the Marlboro Hospital Property be declared an "Area in Need of Redevelopment"; and

WHEREAS, by Resolution No. 2001-12, the Township Council designated the Marlboro Hospital Property as a "Redevelopment Area" of Marlboro Township, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"), and declared that all such lands, buildings, streets and improvements contained within and upon the Marlboro Hospital Property be included as part of the designated "Redevelopment Area"; and

WHEREAS, in accordance with the LRHL and in order to provide for the orderly and appropriate planning, development, redevelopment and rehabilitation of the Marlboro Hospital Property, the Township Council on March 15, 2001 adopted a "Redevelopment Plan (prepared by Maser Consulting, P.A., dated February 2001, as amended March 1, 2001) for the Marlboro Hospital Property, known and designated as Block 159, Lot 11" (the "2001 Redevelopment Plan") by Ordinance No.

2001-3 and elected to serve as the redevelopment entity for the Marlboro Hospital Property; and

WHEREAS, due to certain environmental and open space constraints, the Township Council adopted Ordinance No. 2003-12 that rescinded the Ordinance that adopted the 2001 Redevelopment Plan while maintaining the Marlboro Hospital Property's designation as a Redevelopment Area; and

WHEREAS, a new Redevelopment Plan entitled "Marlboro Hospital Redevelopment Plan", prepared by Heyer, Gruel & Associates, dated May 21, 2008 (the "Redevelopment Plan") for the Marlboro Hospital Redevelopment Area has been prepared; and

WHEREAS, the Township Council of the Township of Marlboro desires that the Planning Board review the Redevelopment Plan and issue a report containing any recommendations pursuant to N.J.S.A. 40A:12A-7(e).

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that that the Planning Board of the Township of Marlboro is hereby requested to review the "Marlboro Hospital Redevelopment Plan", prepared by Heyer, Gruel & Associates, dated May 21, 2008 and issue a report containing any recommendations to the Township Council in accordance with the provisions of N.J.S.A. 40A:12A-7(e); and

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

- a. Planning Board of the Township of Marlboro
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. Chief Financial Officer
- e. State of New Jersey
- f. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Resolution # 2008-216/Ord. # 2008-26 (Determining Positions Eligible for Defined Contribution Retirement Program) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-216

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-26

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR
THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 17, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-26

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE
FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

WHEREAS, the Township Council of the Township of Marlboro has considered the guidelines issued by the Local Finance Board;

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

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program when the position is filled by an employee of the Township:
 - a. Township Administrator;
 - b. Township Attorney;
 - c. Township Engineer;
 - d. Municipal Prosecutor;
 - e. Municipal Court Judge;
 - f. Swim Club Manager

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-
 - a. Tax Collector;
 - b. Chief Financial Officer;
 - c. Construction Code Official;
 - d. Qualified Purchasing Agent;
 - e. Tax Assessor;
 - f. Municipal Planner;
 - g. Registered Municipal Clerk;
 - h. Licensed Uniform Subcode Inspector;
 - i. Principal Public Works Manager.

3. This Ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

4. Should any part or parts of this Ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

5. A copy of this Ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

6. This ordinance shall take effect immediately.

The following Res. # 2008-217 (Additional Liquor License Renewals July 1, 2008 - June 30, 2009) was introduced by reference, offered by Councilwoman Tragni, seconded by

Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-217

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2008 through June 30, 2009.

1. Just Sports Bar & Grill Inc. 1328 33 003 003
T/A Fireside Sports Bar & Grill
2. JRJ Hospitality Inc. 1328 33 015 012
3. Morganville Independent Fire Co. 1328 31 012 001

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Res. # 2008-218 (Performance Bond Reduction - Marlboro Grande) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni. Greg Valesi, CME, was present and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-218

RESOLUTION AUTHORIZING REDUCTION OF THREE (3) BOND AND CASH PERFORMANCE GUARANTEES HELD BY THE TOWNSHIP OF MARLBORO FOR THE DEVELOPMENT KNOWN AS MARLBORO GRANDE

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Meiterman Holdings, LLC (hereinafter "Developer") for the reduction of three (3) Township held Performance Guarantees in the form of Bonds and Cash for site improvements at a development known as Marlboro Grande on the property known as Block 299, Lot 3 on the Official Tax Map of the Township of Marlboro, Monmouth County, Jersey; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township

Engineer dated June 5, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends a partial reduction in the current Performance Guarantee Bonds and Cash amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the three (3) Performance Guarantee Bonds and Cash amounts in accordance with the recommendations of the Township Engineer.

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 three (3) Performance Guarantees in the form of Bonds and Cash amounts posted for the Development known as Marlboro Grande shall be reduced as follows:

(1) Performance Guarantee #1:

The Performance Guarantee Bond (First Indemnity of American Insurance Company, Bond No. S11277, dated October 19, 2006) for site improvements in the original amount of \$575,110.80, is presently in the amount of \$575,110.80 and shall be reduced by \$195,611.76, so that the amount to remain shall be \$379,499.04; and

The Cash Bond, in the original amount of \$63,901.20, is presently in the amount of \$63,901.20 and shall be reduced by \$21,734.64, so that the amount to remain shall be \$42,166.56.

(2) Performance Guarantee #2:

The Performance Guarantee Bond (First Indemnity of American Insurance Company, Bond No. S11278, dated October 19, 2006) for site improvements in the original amount of \$635,480.64, is presently in the amount of \$635,480.64 and shall be reduced by \$441,142.74, so that the amount to remain shall be \$194,337.90; and

The Cash Bond, in the original amount of \$70,608.96, is presently in the amount of \$70,608.96 and shall be reduced by \$49,015.86, so that the amount to remain shall be \$21,593.10.

(3) Performance Guarantee #3:

The Performance Guarantee Bond (First Indemnity of American Insurance Company, Bond No. S11279, dated October 19, 2006) for site improvements in the original amount of \$558,236.88, is presently in the amount of \$558,236.88 and shall be reduced by \$47,509.20, so that the amount to remain shall be \$510,727.68; and

The Cash Bond, in the original amount of \$62,026.32, is presently in the amount of \$62,026.32 and shall be reduced by \$5,278.80, so that the amount to remain shall be \$56,747.52.

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Planning Board and/or Developer's Agreement for the aforesaid development.

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

- a. Meiterman Holdings, LLC
- b. First Indemnity of American Insurance Company
- c. Township Engineer
- d. Township Administrator
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-219 (Performance Bond Reduction - Triangle Business Park) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder. Greg Valesi, CME, was present and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-219

RESOLUTION AUTHORIZING REDUCTION OF FOUR (4) PERFORMANCE GUARANTEES FOR THE DEVELOPMENT KNOWN AS TRIANGLE BUSINESS PARK SECTIONS ONE THROUGH FOUR - NON-RESIDENTIAL SITE PLAN FOR BLOCK 178, LOTS 293-294, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Triangle Business Park, LLC/TBP Holdings, L.L.C. ("Developer") for the reduction of four (4) Township held performance guarantees in the form of a Bonds and Cash for site improvements at a development known as Triangle Business

Park Sections One through Four - Non-Residential Site Plan, on the property known as Block 178, Lots 293-294, on the Official Tax Map of Marlboro Township, Monmouth County, State of New Jersey; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Township Engineer dated May 27, 2008, copies of which are attached hereto and made a part hereof; and

WHEREAS, the aforesaid reports recommend that a partial reduction be made in the current bond and cash amounts being held by the Township; and

WHEREAS, the Township Council desires reduce the four (4) Performance Guarantee Bonds and Cash amounts in accordance with the recommendation of the Township Engineer.

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 four (4) Performance Guarantees in the form of Bonds and Cash amounts posted for the development known as Triangle Business Park Sections One through Four - Non-Residential Site Plan shall be reduced as follows:

- (1) Performance Guarantee for Triangle Business Park Section One - Non-Residential Site Plan

The Performance Guarantee Bond (First Indemnity of America Ins. Co. Bond # S11203), in the original amount of \$645,965.71, is presently in the amount of \$243,032.55 and shall be reduced by \$41,136.33, so that the remaining amount shall be \$201,896.22.

The Cash Bond, in the original amount of 71,743.97, is presently in the amount of \$27,003.62 and shall be reduced by \$4,570.70, so that the amount to remain shall be \$22,432.92; and

- (2) Performance Guarantee Triangle Business Park Section Two - Non-Residential Site Plan

The Performance Guarantee Bond (First Indemnity of America Ins. Co. Bond # S11204) in the original amount of \$351,404.35, is presently in the amount of \$201,104.91 and shall be reduced by \$74,721.96, so that the remaining amount shall be \$126,382.95.

The Cash Bond, in the original amount of \$39,044.93, is currently in the amount of \$22,344.99 and shall be reduced by \$8,302.44, so that the amount to remain shall be \$14,042.55; and

(3) Performance Guarantee Triangle Business Park Section Three
- Non-Residential Site Plan

The Performance Guarantee Bond (First Indemnity of America Ins. Co. Bond # S11205) in the original amount of \$347,352.41, is presently in the amount of \$142,742.90 and shall be reduced by \$27,092.34, so that the remaining amount shall be \$115,650.56.

The Cash Bond, in the original amount of \$38,594.71, is presently in the amount of \$15,860.32 and shall be reduced by \$3,010.26, so that the amount to remain shall be \$12,850.00; and

(4) Performance Guarantee Triangle Business Park Section Four
- Non-Residential Site Plan

The Performance Guarantee Bond (First Indemnity of America Ins. Co. Bond # S11206) in the original amount of \$274,759.29, is presently in the amount of \$126,871.97 and shall be reduced by \$31,026.18 , so that the remaining amount shall be \$95,845.79.

The Cash Bond, in the original amount of \$30,528.81, is presently in the amount of \$14,096.89 and shall be reduced by \$3,447.36, so that the amount to remain shall be \$10,649.53; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of all review and/or inspection escrow fees required by the Planning Board and/or Developer's Agreement for the aforesaid development.

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

- a. Triangle Business Park, LLC /TBP Holdings, L.L.C.
- b. First Indemnity of America Insurance Co.
- c. Mayor Hornik
- d. Business Administrator
- e. Township Engineer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-220 (Authorizing Developer's Agreement Lucas Development, LLC) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor, with Councilman LaRocca abstaining.

RESOLUTION # 2008-220

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS DEVELOPMENT, LLC

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution approving a development by Lucas Development, LLC (the "Developer") for property known as Block 178 Lots 296 on the official tax maps of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering into a Developers Agreement with the Township of Marlboro and the posting of the necessary performance guarantees; and

WHEREAS, a Developer Agreement has been prepared by the Township Attorney, the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, Lucas Development, LLC, the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro.

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

- a. Lucas Development, LLC
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-221 (Authorizing Developer's Agreement J.P. Morgan Chase Bank) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-221

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER
AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND
J.P. MORGAN CHASE BANK, NATIONAL ASSOCIATION

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution approving a development by J.P. Morgan Chase Bank, National Association (the "Developer") for property known as Block 268 Lots 55-57, 59-62, 65 & 80 on the official tax maps of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering into a Developers Agreement with the Township of Marlboro and the posting of the necessary performance guarantees; and

WHEREAS, a Developer Agreement has been prepared by the Township Attorney, the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, J.P. Morgan Chase Bank, National Association, the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro.

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

- a. J.P. Morgan Chase Bank, National Association
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer

f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-222 (Opposing S-1137 and A-1547 - Legislation Increasing Mandatory Employee Collective Bargaining Negotiation Subjects and Issues) was introduced by reference, offered by Councilwoman Tragni and seconded by Council President Cantor. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-222

A RESOLUTION OPPOSING PROPOSED LEGISLATION S-1137 AND A-1547 WHICH WOULD INCREASE MANDATORY EMPLOYEE COLLECTIVE BARGANING NEGOTIATION SUBJECTS AND ISSUES

WHEREAS, the Township of Marlboro is concerned about its ability to manage municipal employees using the most appropriate and cost effective methods; and

WHEREAS, the Township asserts that it has a lawful right to hire, promote, transfer, assign or retain employees as it deems necessary and appropriate in the best interests of Marlboro Township; and

WHEREAS, the New Jersey Legislature has proposed Senate Bill No. 1137 and a companion Assembly Bill No. 1547 both of which seek to enact changes to the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A:-1 et seq. by adding new mandatory collective bargaining subjects and issues, which historically have been non-negotiable; and,

WHEREAS, S-1137 and A-1547 will diminish the power of municipalities over their day-to-day operations and severely impair a municipality's ability to manage personnel in a cost-effective manner; and

WHEREAS, the language proposed S-1137 and A-1547 will place additional financial burdens upon municipalities that are already under severe financial distress and which face additional financial burdens as a result of the State's plan to substantially reduce or eliminate State Aid to many municipalities; and

WHEREAS, S-1137 and A-1547 will increase the time and cost of employment negotiations and those costs will ultimately be borne by taxpayers.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro strongly opposes the adoption of S-1137 and A-1547 by the New Jersey Legislature, because this proposed legislation will impinge upon local management prerogatives and will result in protracted and costly negotiations, placing unnecessary additional financial burdens upon the Township and its taxpayers; and

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

- a. Governor Jon Corzine
- b. Senator Jennifer Beck
- c. Assemblywoman Caroline Casagrande
- d. Assemblyman Declan O'Scanlon
- e. the New Jersey State League of Municipalities
- f. all Monmouth County Municipal Administrators
- g. Mayor Hornik
- h. Township Business Administrator
- i. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-223 (Municipal Consent to Cablevision for the Operation of a Cable Television Franchise in Marlboro Twp.) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-223

A RESOLUTION AUTHORIZING MUNICIPAL CONSENT TO THE APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT FROM CABLEVISION OF MONMOUTH, INC.

WHEREAS, on March 12, 2008 Cablevision of Monmouth, Inc. ("Cablevision") filed an Application for Renewal of Municipal Consent (the "Application") with the Marlboro Township Clerk's Office regarding the renewal of Cablevision's Cable Television Franchise Agreement with the Township of Marlboro; and

WHEREAS, upon receipt of the Application, the Township began the formal process to determine whether to renew its existing Cable Television Franchise Agreement with Cablevision and held a public hearing on June 5, 2008 to determine whether to renew, or deny renewal of such Municipal Consent to Cablevision; and

WHEREAS, upon the Township Administration's review of the Application and the June 5, 2008 hearing regarding the renewal or denial of Municipal Consent to the Application, the Township Council desires to issue a renewal of Municipal Consent to Cablevision as part of the process to enter into a renewed Television Franchise Agreement with Cablevision for the Township of Marlboro.

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 Municipal Consent to Cablevision of Monmouth, Inc.'s Application for Renewal of Municipal Consent filed on March 12, 2008 be and is hereby issued and approved; and

Be IT FURTHER RESOLVED, that the Township Administration is hereby authorized to undertake all necessary and required negotiations with Cablevision of Monmouth, Inc. to renew the existing Franchise Agreement which shall be in the form of a Cable Television Ordinance; and

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

- a. Cablevision of Monmouth, Inc.
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-224 (Authorizing Grant Agreement 2008 Green Communities) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-224

GRANT AGREEMENT BETWEEN MARLBORO TOWNSHIP
AND THE STATE OF NEW JERSEY BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER: PF08-127

The governing body of Marlboro Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000 to fund the following project:

Community Forestry Management Plan
2008 Green Communities Grant.

Therefore, the governing body resolves that Jonathan L. Hornik or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The Marlboro Township Council authorizes and hereby agrees to match 33.3% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

The following Res. # 2008-225 (Authorizing Professional Service Contract 2008 Green Communities - CME) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-225

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR GRANT WRITING SERVICES FOR THE COMMUNITY FORESTRY MANAGEMENT PLAN

WHEREAS, the Township of Marlboro is in need of professional grant writing services for the Community Forestry Management Plan; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, CME Associates has submitted the attached proposal dated April 7, 2008 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$4,500.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire CME Associates to

provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the required professional services in accordance with the Proposals; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 8-01- -060-286.

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

- a. CME Associates
460 Route 9 South
Howell, NJ 07731
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-226 (State Contract Purchase Side Dump Bucket for Front End Loader) was introduced by reference, offered by Councilman LaRocca, seconded by Council President Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-226

RESOLUTION AUTHORIZING THE PURCHASE OF FRONT END
LOADER ACCESSORIES MARLBORO TOWNSHIP DEPARTMENT OF
PUBLIC WORKS STATE CONTRACT #69705

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase front end loader accessories from Foley, Incorporated, 855 Centennial Avenue, PO Box 1555, Piscataway, NJ 08855-1555 under State Contract #69705 for an amount not to exceed \$21,495.89; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said equipment to the Township of Marlboro; and

WHEREAS, funds are available in Account Number X-04-55-962-927 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase front end loader accessories from Foley, Incorporated, 855 Centennial Avenue, PO Box 1555, Piscataway, NJ 08855-1555 under State Contract #69705 for an amount not to exceed \$21,495.89; and

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

- f. Foley, Incorporated, Piscataway, NJ
- g. Township Administrator
- h. Township Department of Public Works
- i. Township Chief Financial Officer
- j. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-227 (Supporting Left Turn - Route 79 & Stevenson Drive) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-227

A RESOLUTION SUPPORTING A TRAFFIC REGULATION ORDER FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION DESIGNATING A LEFT TURN ONLY

RESERVATION LANE AT THE INTERSECTION OF ROUTE NJ 79 INTO STEVENSON
DRIVE IN THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, a recent investigation by the Bureau of Traffic Engineering and Investigations of the New Jersey Department of Transportation ("NJDOT") disclosed the existence of a lane reserved for left turns only from Route NJ 79 into Stevenson Drive in the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, the NJDOT has advised that while no record of any approval by the Commission of Transportation designating such left turn only lane reservation exists, an access permit was issued by the NJDOT'S Major Access Permits Bureau for the left turn lane at the aforesaid location; and

WHEREAS, based upon the field investigation conducted by the NJDOT and the approved access permit designating the left turn only movement, the NJDOT Supervisory Highway Engineer, Traffic Engineering & Investigations, has indicated that he will recommend his approval of such left turn only reservation lane to the Commissioner of Transportation; and

WHEREAS, in order to legally establish such left turn only reservation lane, the NJDOT is required to promulgate a Traffic Regulation Order, which requires a resolution of support from the affected municipal governing body; and

WHEREAS, upon recommendation of the Township Police Department, the Township Council of the Township of Marlboro desires the formal establishment of a left turn only reservation lane at the intersection of Route NJ 79 into Stevenson Drive in Marlboro Township to preserve the safety and welfare of the public, and to maintain traffic flow.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it supports a Traffic Regulation Order from the New Jersey Department of Transportation for a lane use reservation as follows:

LANE USE RESERVATIONS:

The lane location(s) described are designated as Lane Use Reservations and traffic shall move as indicated.

Intersection or Location

Movement

Route NJ 79 and Stevenson Drive
only on
(approximate milepost 5.90)
eastbound

Southbound left lane
Route NJ 79 onto
Stevenson Drive

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

- a. Peter A. Riscica, New Jersey Department of Transportation, Supervising Highway Engineer, Traffic Engineering & Investigations
- b. Mayor Hornik
- c. Township Chief of Police
- d. Business Administrator
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-228 (Purchase of Up to 6 Police Cars on State Contract Funded through MCIA) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Council President Cantor. Discussion followed, after which Council amended the resolution so that up to six vehicles may be purchased. After discussion, the resolution as amended was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-228 (AS AMENDED)

RESOLUTION AUTHORIZING THE PURCHASE OF UP TO SIX (6)
NEW 2008 FORD CROWN VICTORIA POLICE INTERCEPTORS
AND RELATED EQUIPMENT STATE CONTRACT #70462

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase of up to six (6) new 2008 Ford Crown Victoria Police Interceptors and related equipment from Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034 under State Contract #70462 not to exceed \$140,184.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said vehicles to the Township of Marlboro; and

WHEREAS, funds are available in MCIA Account Number Y-07-55-012-951 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicles and related equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase of up to six (6) new 2008 Ford Crown Victoria Police Interceptors and related equipment from Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034 under State Contract #70462 not to exceed \$140,184.00; and

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

- a. Winner Ford, Cherry Hill, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-229 (Authorizing Fireworks Display St. Gabriel's Church) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-229

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY
PERMIT TO ST. GABRIEL'S ROMAN CATHOLIC CHURCH

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

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police

and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, St. Gabriel's Roman Catholic Church ("St. Gabriel"), has applied for a permit to host a fireworks display as part of their annual carnival event on property owned by St. Gabriel's within the Township of Marlboro on July 18, 2008 (with a rain date of July 19, 2008), such fireworks display to be undertaken by St. Gabriel's operator, International Fireworks Mfg. Co., Inc., upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to St. Gabriel's Roman Catholic Church to host a fireworks display on July 18, 2008 (with a rain date of July 19, 2008) for its annual carnival on property owned by St. Gabriel's within the Township of Marlboro, such fireworks display to be undertaken by St. Gabriel's operator, International Fireworks Mfg. Co., Inc. pursuant to N.J.S.A. 21:3-1, *et seq.*, and more particularly N.J.S.A. 21:3-3, subject to the following terms and conditions:

1. Receipt of approval by the Chief of the Police and Fire Department in accordance with the terms set forth hereinabove;

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-4 in a form acceptable to the Township Attorney; and

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

4. The execution of a Hold Harmless Agreement in a form acceptable to the Township Attorney; and

5. The presentation of St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc.'s Fire Safety Certificate (Rules); and

6. The presentation of St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc.'s drivers' Safety Documents; and

7. Proof of issuance by St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc., of FAA its Notification Letter; and

8. Proof from St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc., of its Worker's Compensation and Employers Liability Policy; and

9. Receipt of a copy of the Fireworks Contract Agreement between St. Gabriel's and International Fireworks Mfg. Co., Inc.; and

10. Receipt of the Plot/Site Plan for the fireworks' display.

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

- a. St. Gabriel's Roman Catholic Church
- b. International Fireworks Mfg. Co., Inc.
- c. The Chief of the Police and Fire Department.
- d. The Fire Prevention Bureau.
- e. Township Business Administrator.

Council LaRocca recused himself and left the room. The following Res. # 2008-230 (Award of Bid - Summer Camp Busing) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2008-230

A RESOLUTION AWARDING A CONTRACT TO FARIELLO BUS SERVICE, LLC D/B/A GREENWOOD BUS SERVICE TO PROVIDE SCHOOL BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT SUMMER CAMP

WHEREAS, by Resolution No. 2008-106, the Township of Marlboro awarded a contract to White Beacon Investments, LLC d/b/a Greenwood Bus Company ("White Beacon") for the provision of School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp, for which White Beacon failed to sign the contract therefor, necessitating new bids for such School Bus Transportation Services for a replacement contract; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of School Bus Transportation Services for

the Township of Marlboro Recreation Department Summer Camp, and on June 24, 2008, received two (2) bids therefor; and

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

1. Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey, for compensation as follows:

Summer Camp Transportation:

Transportation cost per camper for three weeks:

\$165.00

Transportation cost per camper for six weeks:

\$270.00

Transportation cost per camper for five weeks:

\$225.00

Transportation cost per camper 7th week only:

\$No Bid

In-State Bus Trips:

10 Mile Round Trip	\$140.00 per bus
20 Mile Round Trip	\$154.00 per bus
30 Mile Round Trip	\$161.00 per bus
40 Mile Round Trip	\$210.00 per bus
50 Mile Round Trip	\$224.00 per bus
60 Mile Round Trip	\$252.00 per bus
70 Mile Round Trip	\$280.00 per bus
80 Mile Round Trip	\$308.00 per bus
90 Mile Round Trip	\$371.00 per bus
100 Mile Round Trip	\$399.00 per bus

Daily Shuttle Service to Swimming Pools

(Estimated Distance - One way - Prices are Per Bus)

3.5 Mile Dugan School/Swim Facility Round Trip:

\$67.50

2.7 Mile Marlboro Elementary/Swim Facility Round Trip

\$67.50

3.6 Mile Recreation Center/Swim Facility Round Trip

\$72.00

3.6 Mile Municipal Complex Park Round Trip

\$72.00

6.1 Mile Robertsville/Swim Facility Round Trip

\$77.00

3.4 Mile Defino Central/Swim Facility Round Trip

\$75.00

6.1 Mile Asher Holmes/Swim Facility Round Trip
\$77.00
3.9 Mile Middle School/ Swim Facility Round Trip
\$75.00
7.7 Mile Memorial Middle/Swim Facility Round Trip
\$77.00

Travel Camp (per bus bid):

Amboy Roller Rink - South Amboy, New Jersey
\$250.00
Seven Presidents Beach - Long Branch, New Jersey
\$360.00
Aberdeen Movie Theater, Aberdeen, New Jersey
\$240.00
Belmar Beach - Belmar, New Jersey
\$380.00
Wall Sports Arena - Wall, New Jersey
\$380.00
Keansburg Amusement/Water Park - Keansburg, New Jersey
\$325.00
Sandy Hook Beach - Sandy Hook, New Jersey
\$350.00

2. Student Transportation of America, 501 Prospect Street, Unit 90, Lakewood, New Jersey, for compensation as follows:

Summer Camp Transportation:

Transportation cost per camper for three weeks:
\$195.00
Transportation cost per camper for six weeks:
\$300.00
Transportation cost per camper for five weeks:
\$165.00
Transportation cost per camper 7th week only:
\$150.00

In-State Bus Trips:

10 Mile Round Trip	\$175.00 per bus
20 Mile Round Trip	\$185.00 per bus
30 Mile Round Trip	\$199.00 per bus
40 Mile Round Trip	\$250.00 per bus
50 Mile Round Trip	\$265.00 per bus

60 Mile Round Trip	\$295.00 per bus
70 Mile Round Trip	\$320.00 per bus
80 Mile Round Trip	\$350.00 per bus
90 Mile Round Trip	\$410.00 per bus
100 Mile Round Trip	\$440.00 per bus

Daily Shuttle Service to Swimming Pools
(Estimated Distance - One way - Prices are Per Bus)

3.5 Mile Dugan School/Swim Facility Round Trip:	\$97.50
2.7 Mile Marlboro Elementary/Swim Facility Round Trip	\$97.50
3.6 Mile Recreation Center/Swim Facility Round Trip	\$107.00
3.6 Mile Municipal Complex Park Round Trip	\$107.00
6.1 Mile Robertsville/Swim Facility Round Trip	\$115.00
3.4 Mile Defino Central/Swim Facility Round Trip	\$110.00
6.1 Mile Asher Holmes/Swim Facility Round Trip	\$115.00
3.9 Mile Middle School/ Swim Facility Round Trip	\$110.00
7.7 Mile Memorial Middle/Swim Facility Round Trip	\$115.00

Travel Camp (per bus bid):

Amboy Roller Rink - South Amboy, New Jersey	\$280.00
Seven Presidents Beach - Long Branch, New Jersey	\$400.00
Aberdeen Movie Theater, Aberdeen, New Jersey	\$270.00
Belmar Beach - Belmar, New Jersey	\$420.00
Wall Sports Arena - Wall, New Jersey	\$420.00
Keansburg Amusement/Water Park - Keansburg, New Jersey	\$365.00
Sandy Hook Beach - Sandy Hook, New Jersey	\$390.00

WHEREAS, the Township Administration and the Department of Recreation have reviewed the said bids received and recommended that

same be awarded to Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey as the lowest responsible bidder; and

WHEREAS, the funds which will be available to cover the costs associated with the awarding of this contract are contingent upon the collection of the required fees in the Recreation Trust. Therefore, the services and payments addressed in this bid are on an on-going basis not requiring certification of funds by the Township Chief Financial Officer; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey to provide School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey to provide School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp for compensation as set forth hereinabove; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey in a form to be approved by the Township Attorney, for the aforementioned services; and

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

- a. Fariello Bus Service, LLC d/b/a Greenwood Bus Service
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Director, Recreation and Parks Commission
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-231 (Award of Bid - Remediation H&L Soccer Fields) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder, and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-231

A RESOLUTION AWARDING A CONTRACT TO ENTERPRISE NETWORKS
RESOLUTIONS CONTRACTING, LLC FOR THE SITE REMEDIATION
PROJECT AT THE MARLBORO MUNICIPAL COMPLEX

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the Site Remediation Project at the Marlboro Municipal Complex and on June 19, 2008, received five (5) bids therefor; and

WHEREAS, the five (5) bids received were as follows:

Contractor	Base Bid Amount	Alt. A. Amount	Alt. B Amount
1. Enterprise Network Resolutions Contracting, LLC	\$156,620.00	\$4,860.00	\$14,400.00
2. Luzon, Inc.	\$177,974.25	\$5,652.00	\$19,350.00
3. TTI Environmental, Inc.	\$204,365.00	\$5,760.00	\$15,300.00
4. AWT Environmental Services, Inc.	\$233,165.00	\$24,480.00	\$40,500.00
5. A&J Construction Co.	\$281,320.00	\$18,000.00	\$28,800.00

WHEREAS, the Township Administration and Consulting Engineer have reviewed the said bids received and recommended that same be awarded to Enterprise Network Resolutions Contracting, LLC as the lowest responsible bidder; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Enterprise Network Resolutions Contracting, LLC of 874 Piney Hollow Road, PO Box 70, Winslow, New Jersey 08095 for the Site Remediation Project at the Marlboro Municipal Complex.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Enterprise Network Resolutions Contracting, LLC of 874 Piney Hollow Road, PO Box 70, Winslow, New Jersey 08095 for the Site Remediation Project at the Marlboro Municipal Complex for a contract amount not to exceed \$156,620.00 for the Base Bid Amount and \$14,400.00 for the Alternate B Bid Amount, for an Aggregate Bid Amount not to exceed \$171,020.00; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Enterprise Network Resolutions Contracting, LLC of 874 Piney Hollow Road, PO

Box 70, Winslow, New Jersey 08095 for the Site Remediation Project at the Marlboro Municipal Complex in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for aforesaid contract from the following Capital Account: T-15-56-859-815; and

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

- a. Enterprise Network Resolutions Contracting, LLC
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Consulting Engineer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-231A (Authorizing Professional Services Contract - Remediation H&L Soccer Fields - Birdsall) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-231A

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR THE SITE REMEDIATION PROJECT AT THE MARLBORO MUNICIPAL COMPLEX (H&L FIELDS)

WHEREAS, the Township of Marlboro is in need of contract administration and inspection services; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal dated June 23, 2008 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$12,500.00; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Trust Account Number T-15-56-859-815.

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

- a. Birdsall Engineering, Inc.
611 Industrial Way West
Eatontown, NJ 07724-2213
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-232 (Authorizing Contract Added Assessments - Realty Appraisal) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Cantor, and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-232

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN REALTY APPRAISAL COMPANY AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF APPRAISALS OF NEW CONSTRUCTION, ADDITIONS AND ALTERATIONS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of professional services for the provision of appraisals of new construction, additions and alterations; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Realty Appraisal Company has submitted the attached proposal dated May 13, 2008 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$10,000.00, to be amended to \$25,000.00 after the adoption of the 2008 budget; and

WHEREAS, Realty Appraisal Company has completed and submitted a Business Entity Disclosure Certification which certifies that Realty Appraisal Company has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Realty Appraisal Company from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Realty Appraisal Company to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution

authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Realty Appraisal Company and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the \$10,000 contract, which is attached hereto, and that sufficient funds for the total project cost will be available upon the adoption of the 2008 budget for said contact from Account Number 8-01- -045-288.

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

- a. Realty Appraisal Company
c/o Neil Rubenstein
4912 Bergenline Avenue
West New York, NJ 07093
- b. Township Tax Assessor
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-233 (Professional Services Contract - Appraisal for B. 143, L. 11.01 & B. 172, L. 58 & 59 - Joseph Tighue) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-233

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN JOSEPH TIGHUE, MAI AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES FOR BLOCK 143, LOT 11.01 AND BLOCK 172, LOTS 58&59 IN CONNECTION WITH OPEN SPACE

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 143, Lot 11.01 and Block 172, Lots 58&59 in connection with Open Space; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Joseph Tighue, MAI has submitted the attached proposal dated April 28, 2008 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for the amount of \$2,900.00 per property for a total not to exceed \$5,800.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Joseph Tighue, MAI to provide the required professional services in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Joseph Tighue, MAI and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Trust Account Number T-15-56-859-815.

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

- a. Joseph Tighue, MAI
25 Delmar Lane
Brigantine, NJ 08203
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-234 (Professional Services Contract - Appraisal for B. 143, L. 11.01 & B. 172, L. 58 & 59 - BRB Valuation) was introduced by reference, offered by Councilwoman Marder, seconded by LaRocca, and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-234

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BRB VALUATION & CONSULTING SERVICES AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES FOR BLOCK 143, LOT 11.01 AND BLOCK 172, LOTS 58&59 IN CONNECTION WITH OPEN SPACE

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 143, Lot 11.01 and Block 172, Lots 58&59 in connection with Open Space; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, BRB Valuation and Consulting Services has submitted the attached proposals both dated April 28, 2008 (the "Proposals") to the Township of Marlboro to provide the aforementioned professional services for the amount of \$3,000.00 per property for a total not to exceed \$6,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire BRB Valuation and Consulting Services to provide the required professional services in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising

for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between BRB Valuation and Consulting Services and the Township of Marlboro to provide the required professional services in accordance with the Proposals; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Trust Account Number T-15-56-859-815.

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

- a. BRB Valuation and Consulting Services
84 West Main Street
Freehold, NJ 07728
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-235 (Authorizing Grant - Marlboro Township Drug Alliance 2009 Grant) was introduced by reference, offered by Councilwoman Marder, seconded by LaRocca, and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-235

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP
ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE TO
APPLY FOR THE 2009 GRANT

WHEAREAS, the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse provides a wide range of educational services to the residents of Marlboro Township for the prevention of alcohol and drug abuse; and

WHEREAS, the Alliance to Prevent Alcoholism and Drug Abuse requires funding from the Monmouth County Board of Alcohol and Drug

Abuse Services in order to continue to provide these services to the residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that the appropriate municipal officials be and are hereby authorized to execute the 2009-2011 Application for Funds and Services on behalf of the Alliance to Prevent Alcoholism and Drug Abuse for the purpose of obtaining funding for the provision of programs for the prevention of and education regarding alcohol and drug abuse, a copy of which is on file in the Township Clerk's office and available for public inspection; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward executed copies of the Agreement to the Monmouth County Board of Alcohol and Drug Abuse Services.

The following Res. # 2008-235A (Designating Additional Depository Investors Savings) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-235A

DESIGNATING ADDITIONAL DEPOSITORY

WHEREAS, under the provisions of state regulations (N.J.S.A. 40A:5-1) entitled Local Fiscal Affairs Law, the Township of Marlboro in accordance with N.J.S.A.40A:5-14 has established Legal Depositories for public monies for the calendar year 2008; and

WHEREAS, recent amendment to N.J.S.A. 40A:5-15.1 entitled "Securities which may be purchased by local units" provide added flexibility to secure high yield investments while safe guarding Municipal assets; and

WHEREAS, the Township Council deems that the ability to secure high yield investments while safeguarding the Township's assets is to the benefit of the municipality and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, that the following banking institution approved by the Department of Banking and Insurance under the Government Unit Depository Protection Act (GUDPA) or other authorized investment

vehicle authorized by the State of New Jersey is hereby designated as an additional official depository of Township funds:

Investors Savings Bank

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2008-236 (Redemption Tax Sale Cert. - Various), Res. #2008-237 (Refunds for Overpayments - Various), Res. #2008-238 (Refunds to WMUA - Various), Res. #2008-239 (Authorizing Grant Application NJDOT - Union Hill Road), #2008-240 (Authorizing Grant Application NJDOT - Vanderburg Road).

RESOLUTION # 2008-236

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$22,883.48 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 Council of the Township of Marlboro that the amount of \$22,883.48 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
08-3 4 Nolan Road	116/2	Plymouth Park Tax Services P.O. Box 2288 Morristown, NJ 07962-2288	\$11,584.81
08-20 26 Hudson Street	219/3	Plymouth Park Tax Services P.O. Box 2288 Morristown, NJ 07962-2288	7,541.92
08-40 18 John Street	113/5	Mary Tawadros 889 Old Bridge Turnpike East Brunswick, NJ 08816	647.31

08-43	120.04/4	The Approved Realty Group, LLC	715.54
	107 Bramble Drive	60 Chambersbridge Road, STE 4	
		Lakewood, NJ 08701	
08-47	176/7 C0538	The Approved Realty Group, LLC	1,126.14
	538 Tivoli Court	60 Chambersbridge Road, STE 4	
		Lakewood, NJ 08701	
08-49	178/2 C0147	MMU Inc. PSP	1,267.76
	147 Tanglewood Place	Attn: Paul	
		145 North Franklin Turnpike	
		STE 324	
		Ramsey, NJ 07446	

TOTAL: \$ 22,883.48

RESOLUTION # 2008-237

WHEREAS, the attached list in the amount of \$10,218.79 known as Schedule "A", is comprised of amounts representing overpayments for 2008 taxes,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
193.16	10	Rosemont Estates II, LLC	\$ 526.01
	415 Edinburgh Place	Attn: Susan Chelder	
		242 Route 79, Suite 9	
		Morganville, NJ 07751	
		(Former Assessed Owner)	
193.13	99 (ADDED)	Rosemont Estates II, LLC	1,924.18
	43 Hulsart Court	Attn: Susan Chelder	
		242 Route 79, Suite 9	
		Morganville, NJ 07751	
		(Former Assessed Owner)	

289	23	Countrywide Tax Service	1,318.66
5 Morris Court		Attn: Cash Management 1757 Tapo Canyon Road Suite 300, MS: SVW-24 Simi Valley, CA 93063 Re: Brian & Robin Mack (Assessed Owners)	
306	6	David & Randi Sorin	4,903.54
129 Micki Drive		129 Micki Drive Morganville, NJ 07751	
383	32	Wells Fargo Home Mortgage	1,546.40
3 Phaeton Lane		Attn: Refunds/Financial Support 1 Home Campus, MAC X2302-04D Des Moines, IA 50328 Re: Peter A. Garzetta, Jr. (Assessed Owner)	
TOTAL:			\$10,218.79

RESOLUTION # 2008-238

WHEREAS, current sewer charges totaling \$1,402.71 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$1,402.71 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#08-2 13 Wicker Place	107/7	Nasdom, LLC	\$169.39
TSC#08-42 58 Tennent Road	120/20	Nasdom, LLC	167.50
TSC#08-44 2 Orchard Parkway	122/2	Mary Tawadros	232.92

TSC#08-48	176/7 C0839	Nasdom, LLC	197.69
839 Mariposa Court			
TSC#08-54	255/21	Mary Tawadros	232.93
19 Georgian Bay Drive			
TSC#08-57	305/93	Nasdom, LLC	232.92
212 Tracy Drive			
TSC#08-65	396/1 C0234	Mary Tawadros	169.36
234 Plum Drive			
TOTAL:			\$1,402.71

RESOLUTION # 2008-239

GRANTING APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT AGREEMENT WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE IMPROVEMENTS TO UNION HILL ROAD PROJECT

WHEREAS, the Township Council of the Township of Marlboro desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Municipal Aid Program; and

WHEREAS, the Township Council of the Township of Marlboro acknowledges the importance of the reconstruction of Union Hill Road, in the area between, Tennent Road to NJ State Highway Route

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

BE IT FURTHER RESOLVED that the Chief Financial Officer and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009 Marlboro Township - 00759 to the New Jersey Department of Transportation on behalf of Marlboro Township.

BE IT FURTHER RESOLVED that the Chief Finance Officer and Clerk are hereby authorizes to sign the grant agreement on behalf of Marlboro Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION # 2008-240

GRANTING APPROVAL TO SUBMIT A GRANT APPLICATION AND

EXECUTE A GRANT AGREEMENT WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE IMPROVEMENTS TO VANDERBURG ROAD PROJECT

WHEREAS, the Township Council of the Township of Marlboro desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Municipal Aid Program; and

WHEREAS, the Township Council of the Township of Marlboro acknowledges the importance of the reconstruction of Vanderburg Road, in the area between Railroad Avenue to Boundary Road.

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

BE IT FURTHER RESOLVED that the Chief Financial Officer and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009 Marlboro Township - 00765 to the New Jersey Department of Transportation on behalf of Marlboro Township.

BE IT FURTHER RESOLVED that the Chief Finance Officer and Clerk are hereby authorizes to sign the grant agreement on behalf of Marlboro Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The following Res. # 2008-241 (Setting Special Meeting - Budget Amendment - July 7, 2008) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder, and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-241

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on July 7, 2008 at 8:00 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to amend the 2008 Municipal Budget. Citizen's Voice will be limited to 15 minutes.

At 11:40 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman LaRocca, and

as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: July 17, 2008

OFFERED BY: Tragni AYES: 4

SECONDED BY: Marder NAYS: 0

ABSENT: Cantor

ALIDA MANCO
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL PRESIDENT