

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 18, 2010

The Marlboro Township Council held its regularly scheduled meeting on February 18, 2010 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 11, 2010; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca. Absent: Cantor.

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

Councilwoman Mazzola moved that the minutes of January 7 and 21, 2010 be approved. This motion was seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

Council President LaRocca opened the Public Hearing on Ordinance # 2010-2 (Amending Chapter 265 - Recreation Fees & Policies). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2010-80/Ord. # 2010-2 (Amending Chapter 265 - Recreation Fees & Policies)

was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-80

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

ORDINANCE #2010-2

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 265, "PARKS AND RECREATION FACILITIES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY CREATING AND ESTABLISHING A NEW ARTICLE V ENTITLED, "FACILITY USAGE POLICIES AND FEES" TO SET FORTH POLICIES AND FEES FOR THE USE OF TOWNSHIP RECREATION FACILITIES

which was introduced on February 4, 2010, public hearing held February 18, 2010, be adopted on second and final reading this 18th day of February, 2010.

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

Council President LaRocca opened the Public Hearing on Ordinance # 2010-3 (Amending Chapter 171 Fees - Various). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2010-81/Ord. # 2010-3 (Amending Chapter 171 Fees - Various) was introduced by reference, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-081

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

ORDINANCE # 2010-3

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171, "FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY AMENDING ARTICLE I, "GOVERNMENT RECORDS", SECTION 171-3, "FEES FOR COPIES OF RECORDS FROM THE MUNICIPAL CLERK", SUB-SECTION 171-3(F) "ZONING MAP" TO INCREASE THE FEE

FOR COPIES, AND BY DELETING ARTICLE IV, "RECREATION
COMMUNITY CENTER FACILITY", IN ITS ENTIRETY AND
REPLACING SAID ARTICLE WITH A NEW ARTICLE IV, ENTITLED,
"TAX RECORDS", TO PROVIDE FOR FEES
FOR COPIES OF TAX BILLS

which was introduced on February 4, 2010, public hearing held
February 18, 2010, be adopted on second and final reading this 18th
day of February, 2010.

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

Council President LaRocca opened the Public Hearing on
Ordinance # 2010-4 (Authorizing Acceptance of a Portion of
Block 193.02, Lot 57 - Station Road). As there was no one who
wished to speak, the Public Hearing was closed. The following
Res. # 2010-82/Ord. # 2010-4 (Authorizing Acceptance of
a Portion of Block 193.02, Lot 57 - Station Road) was
introduced by reference, offered by Council Vice President
Marder, seconded by Councilman Metzger and passed on a roll
call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-082

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

ORDINANCE # 2010-4

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PORTION OF
PROPERTY KNOWN AS BLOCK 193.02, LOT 57, TOWNSHIP OF
MARLBORO, MONMOUTH COUNTY, NEW JERSEY, FOR THE PURPOSE
OF INCORPORATING SUCH LANDS INTO THE RIGHT OF WAY OF
STATION ROAD AS PART OF A PROJECT TO IMPROVE AND
WIDEN STATION ROAD IN MARLBORO TOWNSHIP,
MONMOUTH COUNTY, NEW JERSEY

which was introduced on February 4, 2010, public hearing held
February 18, 2010, be adopted on second and final reading this 18th
day of February, 2010.

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

Council President LaRocca opened the Public Hearing on Ordinance # 2010-5 (Amending Chapter 235 - Mobile Homes). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2010-83/Ord. # 2010-5 (Amending Chapter 235 - Mobile Homes) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-083

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

ORDINANCE # 2010-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 235, "MOBILE HOMES" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY DELETING ARTICLE II, ENTITLED, "LICENSING AND MAINTENANCE," IN ITS ENTIRETY AND REPLACING SAME WITH A NEW ARTICLE II ENTITLED, "LICENSING AND MAINTENANCE" TO IMPLEMENT THE RECOMMENDATIONS OF THE MARLBORO TOWNSHIP RENT CONTROL BOARD

which was introduced on February 4, 2010, public hearing held February 18, 2010, be adopted on second and final reading this 18th day of February, 2010.

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

The following Res. # 2010-47 (Acknowledging Mayor's Appointment of Steve Rosenthal as Honorary Deputy mayor and Expressing Congratulations) was tabled to the next meeting.

The following Res. # 2010-84 (Extension of Janitorial Services Urucorp Maintenance & Contractor, Inc.) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-84

A RESOLUTION AUTHORIZING THE EXTENSION AND AMENDMENT OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND URUCORP MAINTENANCE & CONTRACTOR, INC. FOR THE PROVISION OF JANITORIAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2009-95, the Township of Marlboro authorized the award of a contract to Urucorp Maintenance & Contractor, Inc. for a one year term beginning March 1, 2009 and ending February 28, 2010 for the bid price amount of \$73,982.37 for the provision of Janitorial Services for the Township of Marlboro Department of Public Works (DPW) (the "Janitorial Services"); and

WHEREAS, the Department of Public Works has recommended, and the Mayor and Township Council have indicated their desire, to extend and amend the contract with Urucorp Maintenance & Contractor, Inc. for the provision of Janitorial Services for an additional one year period, commencing March 1, 2010 and terminating February 28, 2011, in accordance with the bid specifications, at a price not to exceed \$73,982.40; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an extension and amendment to the contract with Urucorp Maintenance & Contractor, Inc. for the provision of Janitorial Services for the Township of Marlboro Department of Public Works (DPW) for a total contract amount not to exceed \$73,982.40, commencing March 1, 2010 and terminating February 28, 2011, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness, an extension and amendment to the aforesaid contract with Urucorp Maintenance & Contractor, Inc., in accordance with this Resolution, and 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 the amount of \$61,165.20 from the 2010 Budget, Line Item No: X-10-01-122-276 and for the amount of \$12,817.20 from the 2011 Budget, Line Item No. X-11-01-122-276, subject to Council approval; and

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

- a. Urucorp Maintenance & Contractor, Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Director, Dept. of Public Works
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-85 (Authorizing the Mayor to Establish an eruv within the Township of Marlboro) was introduced by reference, offered by Councilman Metzger and seconded by Council President LaRocca. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-85

A RESOLUTION AUTHORIZING THE MAYOR TO ESTABLISH AN ERUV
WITH IN THE TOWNSHIP OF MARLBORO

WHEREAS, an eruv extends the space within which pushing and carrying is permitted on the Sabbath beyond the boundaries of the home, thereby enabling, for example, the pushing of baby strollers and wheelchairs, and carry canes and walkers, when traveling between home and synagogue; and,

WHEREAS, without an eruv Orthodox Jews who have small children or are disabled may be limited in their ability to attend synagogue on the Sabbath; and,

WHEREAS, an eruv is usually constructed using existing utility poles, buildings, light poles, embankments or other items that are bound together with string or wire running over the top of the pole or other object used to denote the boundary of the eruv; and,

WHEREAS, an eruv is not valid unless approval is granted by a civil official with jurisdiction over the circumscribed area; and,

WHEREAS, the Township Council desires to delegate to the Mayor the authority to establish an eruv within the Township of Marlboro.

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 Mayor is hereby authorized to establish by official proclamations an eruv within the Township of Marlboro and

to delineate the boundaries thereof and to take such other official action as is necessary to execute this authority.

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

- a. Mayor Jonathan L. Hornik
- b. Township Administrator
- c. Director of Public Works
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-86 (Appointment of N1 Licensed Operator for the Water Utility Department) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-086

A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO ROBERT M. NOEL FOR SERVICES AS AN N1 LICENSED OPERATOR FOR THE WATER UTILITY DIVISION OF THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS AS AN EXCEPTION TO COMPETITIVE PUBLIC BIDDING PROCESS UNDER N.J.S.A. 40A:11-5(M)

WHEREAS, the Water Utility Division of the Marlboro Township Department of Public Works requires an N1 Licensed Operator until such time as the Township staff acquires the N1 License required by the New Jersey Department of Environmental Protection; and

WHEREAS, such services are deemed extraordinary, unspecifiable services which pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) may be awarded without competitive bidding therefor; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended, requires that the Resolution authorizing the award of contracts for extraordinary unspecifiable services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Township Engineer has solicited qualified individuals with an N-1 License and has received three (3) responses as follows:

- | | | |
|----|-----------------|-------------------------|
| 1. | Robert M. Noel | \$275.00 per month |
| 2. | Jim Mastrokalos | \$500.00 per month |
| 3. | Bob Koches | \$800.00 per month; and |

WHEREAS, Robert M. Noel's response provided the lowest monthly fee and possesses the necessary regulatory licensure requirements and is the most advantageous to the Township, for all factors considered; and

WHEREAS, the contract amount is below the bid threshold amount of \$21,000.00, such amount being determined and certified to in writing by the Chief Financial Officer of the Township of Marlboro, thereby permitting the Township to authorize the award of contracts up to the bid threshold of \$21,000.00 without public bidding therefor; and

WHEREAS, total amount of the proposed contract shall be up to \$3,300.00, and, by Resolution # 2010-39, the Township Council of the Township of Marlboro has authorized the Business Administrator to execute and approve any and all contracts of up to \$17,500.00; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer of the Township of Marlboro with the Township Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C: 5:34-5.2.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that:

1. The Township Council of the Township of Marlboro, in accordance with the Local Public Contracts Law, hereby authorizes and approves a contract with Robert M. Noel to provide his services as an N1 Licensed Operator for the Water Utility Division of the Marlboro Township Department of Public Works, pursuant to a non-fair and open process, such services being deemed extraordinary, unspecifiable services pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and in accordance with a Contract in a form substantially similar to the Contract attached hereto and made a part hereof; and

2. The Business Administrator and Township Clerk are hereby authorized and directed to execute, seal and deliver said Contract, in a form substantially similar to that attached hereto, with Robert M. Noel on behalf of and in the name of the Township of Marlboro and Water Utility Division of the Marlboro Township Department of Public Works after review and approval by the Township Attorney for Mr. Noel's services as an N1 Operator; and

3. That the Determination of Value shall be placed on file with this Resolution; and

4. Pursuant to N.J.A.C. 5:34-2.3, a Certification, attached hereto and made part hereof, shall be on file describing the nature of the work to be done, why it is not possible to draft specifications, describing the informal solicitation of quotations and describing in detail why the contract meets the provisions of N.J.S.A. 40A:11-6.1b and the regulations promulgated at N.J.A.C. 5:34-2.3.

5. That a brief notice of the Award of Contract by this Resolution shall be published as required by law within ten (10) days of its passage.

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

- a. Robert M. Noel
- b. Mayor Jonathan L. Hornik
- c. Marlboro Township Business Administrator
- d. Marlboro Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

Council took a 10-minute recess.

The following Res. # 2010-87 (Authorizing Shared Service Agreement Monmouth County Records Information Management through PARIS Grant) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-87

BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that:

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-2011 grant cycle, priority funding will be given to county projects that serve the records management needs of the municipalities in their county; and

WHEREAS, Marlboro Township desires to collaborate with the County of Monmouth in the performance of the OPRS-RIM Municipal Services Continuation - Shared Services project, and

WHEREAS, the Marlboro Township is acknowledging that their eligible funding of \$40,000 will be leveraged with the County of Monmouth; and

WHEREAS, Marlboro Township is acknowledging that the County of Monmouth would be the applicant, lead agency and project manager for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that Marlboro Township does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

The following Res. # 2010-88 (Award of contract Police Uniforms - Sunrise Cleaners) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-88

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SUNRISE
CLEANERS FOR THE PROVISION OF DRY CLEANING SERVICES TO
THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department contacted certain companies to request estimates to provide dry cleaning services for police uniforms and clothing for a period of one year and based upon an assumption of between 950 and 1,000 pieces of clothing per month; and

WHEREAS, the Police Department received the following sole estimate:

1. Sunrise Cleaners, Marlboro, New Jersey - \$1,680.00 per month; and

WHEREAS, the sole estimate for the provision of the aforementioned services is less than \$21,000.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimate received and recommend that a contract be awarded to Sunrise Cleaners for the provision of dry cleaning services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide dry cleaning services to the Police Department be and hereby is awarded to Sunrise Cleaners and that the Mayor is authorized to execute a one-year contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Sunrise Cleaners in accordance with the terms and conditions of the estimate submitted by Sunrise Cleaners; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

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

- a. Sunrise Cleaners
- b. Police Department
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolutions were introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Marder. Discussion followed for which CME Engineer Laura Neumann was present and answered Council's questions. After discussion, the following resolutions were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. # 2010-89 (Reimbursement for Expenses Sinkhole - 10 Cambridge Court), Res. # 2010-90 (Reimbursement for Expenses Sinkhole - 323 Wembley Place and Res. # 2010-91 (Reimbursement for Expenses Sinkhole - 14 Cambridge Court).

RESOLUTION # 2010-089

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES FOR THE REMEDIATION OF SINK HOLE HAZARDS FOR 10 CAMBRIDGE COURT, MARLBORO, NEW JERSEY FROM FUNDS APPROPRIATED FOR SUCH PURPOSES BY ORDINANCES #2004-23 AND #2009-26

WHEREAS, by Ordinance #2004-23, adopted on October 28, 2004, the Township of Marlboro appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the "Subdivision"); and

WHEREAS, Ordinance #2004-23 specified that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any Subdivision lot; and

WHEREAS, by Ordinance #2009-26, adopted on August 10, 2009, the Township of Marlboro established an increase in the limit of the amount remediation funds that may be paid out in respect of any Subdivision lot in an amount up to \$10,000.00; and

WHEREAS, Ordinances #2004-23 and #2009-26 condition the reimbursement of such remediation funds upon the Township Chief Financial Officer's review and approval of applications for reimbursement from Subdivision lot owners; and

WHEREAS, the Township Engineer reviewed the application for reimbursement of funds in the amount of \$5,052.00 from the owners of 10 Cambridge Court, Block 139, Lot 14, Marlboro, New Jersey, for the remediation of sink hole hazards, and, upon confirmation of the remediation and monies expended by the owners of the said property for same, the Township Engineer recommends that such request for reimbursement be approved as set forth in its report dated February 2, 2010; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the February 2, 2010 report from the Township Engineer, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Township Council desires to take the following action regarding the reimbursement of monies for remediation of sink

hole hazards at the property known as 10 Cambridge Court, Block 139, Lot 14, Marlboro, New Jersey.

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 amount of \$5,052.00 from the Appropriated Funds (as defined hereinabove), be paid to the owners of 10 Cambridge Court, Block 139, Lot 14, Marlboro, New Jersey, for the remediation of sink hole hazards at the subject property in accordance with the provisions of Ordinances #2004-23 and #2009-26; and

BE IT FURTHER RESOLVED, that the reimbursement of such funds is conditioned upon the review and approval of the Chief Financial Officer of the Township of Marlboro; and

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

- a. Mr. and Mrs. Lullio
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2010-90

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES FOR
THE REMEDIATION OF SINK HOLE HAZARDS FOR 323 WEMBLEY PLACE,
MARLBORO, NEW JERSEY FROM FUNDS APPROPRIATED FOR SUCH
PURPOSES BY ORDINANCES #2004-23 AND #2009-26

WHEREAS, by Ordinance #2004-23, adopted on October 28, 2004, the Township of Marlboro appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the "Subdivision"); and

WHEREAS, Ordinance #2004-23 specified that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any Subdivision lot; and

WHEREAS, by Ordinance #2009-26, adopted on August 10, 2009, the Township of Marlboro established an increase in the limit of the amount remediation funds that may be paid out in respect of any Subdivision lot in an amount up to \$10,000.00; and

WHEREAS, Ordinances #2004-23 and \$2009-26 condition the reimbursement of such remediation funds upon the Township Chief Financial Officer's review and approval of applications for reimbursement from Subdivision lot owners; and

WHEREAS, by Resolution #2009-181, the Township of Marlboro authorized payment in the amount of \$4,000.00 to the owner of the Subdivision Lot known as 323 Wembley Place, Block 142.01, Lot 13, Marlboro, New Jersey, (the "Property") for remediation of sinkhole hazards at the Property; and

WHEREAS, the owner of the Property has made a second application for reimbursement of funds in the amount of \$6,000.00 for remediation of sinkhole hazards at the Property, as permitted by Ordinance #2009-26; and

WHEREAS, such second application was reviewed by the Township Engineer, and, upon confirmation of the remediation and monies expended by the owner of the Property for same, the Township Engineer recommends that such request for additional reimbursement be approved as set forth in the Township Engineer's report dated February 2, 2010; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the February 2, 2010 report from the Township Engineer, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Township Council desires to take the following action regarding the reimbursement of additional monies in the amount of \$6,000.00 for remediation of sinkhole hazards at the Property.

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 additional amount of \$6,000.00 from the Appropriated Funds (as defined hereinabove), be paid to the owner of 323 Wembley Place, Block 142.01, Lot 13, Marlboro, New Jersey, for the remediation of sinkhole hazards at the subject property in accordance with the provisions of Ordinances #2004-23 and #2009-26; and

BE IT FURTHER RESOLVED, that the reimbursement of such additional funds is conditioned upon the review and approval of the Chief Financial Officer of the Township of Marlboro; and

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

- a. Ms. Jennifer Woodruff
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2010-91

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES FOR THE REMEDIATION OF SINK HOLE HAZARDS FOR 14 CAMBRIDGE COURT, MARLBORO, NEW JERSEY FROM FUNDS APPROPRIATED FOR SUCH PURPOSES BY ORDINANCES #2004-23 and #2009-26

WHEREAS, by Ordinance #2004-23, adopted on October 28, 2004, the Township of Marlboro appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the "Subdivision"); and

WHEREAS, Ordinance #2004-23 specified that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any Subdivision lot; and

WHEREAS, by Ordinance #2009-26, adopted on August 10, 2009, the Township of Marlboro established an increase in the limit of the amount remediation funds that may be paid out in respect of any Subdivision lot in an amount up to \$10,000.00; and

WHEREAS, Ordinances #2004-23 and \$2009-26 condition the reimbursement of such remediation funds upon the Township Chief Financial Officer's review and approval of applications for reimbursement from Subdivision lot owners; and

WHEREAS, the Township Engineer reviewed the application for reimbursement of funds in the amount of \$1,800.00 from the owners of

14 Cambridge Court, Block 139, Lot 15, Marlboro, New Jersey, for the remediation of sink hole hazards, and, upon confirmation of the remediation and monies expended by the owners of the said property for same, the Township Engineer recommends that such request for reimbursement be approved as set forth in its report dated February 2, 2010, revised February 8, 2010; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the February 2, 2010 report , revised February 8, 2010, from the Township Engineer, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Township Council desires to take the following action regarding the reimbursement of monies for remediation of sink hole hazards at the property known as 14 Cambridge Court, Block 139, Lot 15, Marlboro, New Jersey.

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 amount of \$1,800.00 from the Appropriated Funds (as defined hereinabove), be paid to the owners of 14 Cambridge Court, Block 139, Lot 15, Marlboro, New Jersey, for the remediation of sink hole hazards at the subject property in accordance with the provisions of Ordinances #2004-23 and #2009-26; and

BE IT FURTHER RESOLVED, that the reimbursement of such funds is conditioned upon the review and approval of the Chief Financial Officer of the Township of Marlboro; and

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

- a. Mr. and Mrs. Kaplan
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-92 (Authorizing Release - Marlboro Twp. and Mun. Excess Liability Joint Insurance Fund - Shifra Assoc. LLC v. Marlboro Twp., et al) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-092

A RESOLUTION AUTHORIZING A RELEASE BETWEEN THE TOWNSHIP OF MARLBORO AND THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND AS TO ALL CLAIMS AGAINST THE TOWNSHIP ARISING OUT OF AN ACTION ENTITLED "SHIFRA ASSOCIATES, LLC V. MARLBORO TOWNSHIP, ET AL.", DOCKET NUMBER MON-L-4338-09

WHEREAS, an action has been filed against the Township of Marlboro in the Superior Court of New Jersey under the title Shifra Associates, LLC v. Marlboro Township, et al., Docket Number MON-L-4338-09 (the "Legal Action") ; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund ("the NJ MEL") is the Township's insurer; and

WHEREAS, the NJ MEL, in lieu of defending the Township in the Legal Action, has issued a General Release ("Release") to the Township of Marlboro for payment to the Township in the amount of Five Thousand Dollars (\$5,000.00), a copy of such Release being attached hereto and made a part hereof; and

WHEREAS, the Township Attorney has reviewed and approved the form of the attached Release; and

WHEREAS, the Township Council of the Township of Marlboro desires to enter into the attached Release with the NJ MEL for payment from the NJ MEL in the amount of Five Thousand Dollars (\$5,000.00) in lieu of legal defense from the NJ MEL for the Legal Action.

NOW, 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 Mayor is hereby authorized to execute a Partial Release (the "Release") between the Township of Marlboro and the Municipal Excess Liability Joint Insurance Fund ("NJ MEL") releasing the NJ MEL from any claims against the Township pursuant to a legal action entitled Shifra Associates, LLC v. Marlboro Township et al., Docket Number MON-L-4338-09 (the "Legal Action"), for payment to the Township in the amount of Five Thousand Dollars (\$5,000.00) in lieu of legal defense from the NJ MEL for the Legal Action, a copy of such Release being attached hereto and made a part hereof; and

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

- a. Municipal Excess Liability Joint Insurance Fund
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-93 (Authorizing Developer Agreement Marlboro 18) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-093

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND MARLBORO 18, LLC
FOR THE PROJECT KNOWN AS THE MARLBORO CORPORATE CENTER,
LOCATED ON BLOCK 179, LOT 1, MARLBORO, NEW JERSEY

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution granting Site Plan Approval for the project known as "The Marlboro Corporate Center", located at Block 179, Lot 1 on the official tax map of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, the Planning Board approval was conditioned upon the Developer entering into a Developer 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, Marlboro 18, LLC, for the Project known as "The Marlboro Corporate Center", located at Block 179, Lot 1 on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. Marlboro 18, LLC, c/o William J. Adelson, Esq.,
Orloff, Lowenbach, Stifelman & Siegel, P.A.
101 Eisenhower Parkway, Roseland, NJ 07068
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-94 (Emergency Temporary Appropriation) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-094

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2010 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2009 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2010 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$16,627,391.77 for the municipal budget, \$547,500.00 for the operations of the swim utility and \$4,216,396.00 for the operations of the water utility; and

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 will be provided for in the CY 2010 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.

2010 TEMPORARY EMERGENCY APPROPRIATION

Current Fund	2009 Appropriation	2010 Temporary Emergency Appropriation
Administration (30)		
Salary & Wages	160,000.00	80,000.00
Other Expenses	170,585.00	85,292.50
Office of the Mayor (10)		
Salary & Wages	60,500.00	30,250.00
Other Expenses	5,300.00	2,650.00
Ethics Commission		
Salary & Wages		
Other Expenses	500.00	250.00
Township Council (21)		
Salary & Wages	14,400.00	7,200.00
Other Expenses	2,000.00	1,000.00
Municipal Clerk (20)		
Salary & Wages	185,000.00	92,500.00
Other Expenses	61,000.00	30,500.00
Finance		
Salary & Wages	255,000.00	127,500.00
Other Expenses	23,000.00	11,500.00
Annual Audit	35,000.00	0.00
Central Computer Services		
Salary & Wages	84,000.00	42,000.00
Other Expenses	22,800.00	11,400.00
Tax Collector		
Salary & Wages	210,000.00	105,000.00
Other Expenses	56,650.00	28,325.00

Tax Assessor		
Salary & Wages	180,000.00	90,000.00
Other Expenses	88,800.00	44,400.00
Legal Services		
Other Expenses	400,000.00	200,000.00
Engineering Services		
Salary & Wages	255,000.00	127,500.00
Other Expenses	141,300.00	70,650.00
Economic Development		
Salary & Wages	2,000.00	1,000.00
Other Expenses	10,000.00	5,000.00
Grant Administration		
Salary & Wages		
Other Expenses	19,000.00	9,500.00
Cable Studio		
Salary & Wages		
Other Expenses	45,000.00	22,500.00
Inter- Governmental Relations		
Other Expenses	1,000.00	500.00
Homeland Security		
Salary & Wages	30,000.00	15,000.00
Other Expenses	28,500.00	14,250.00
Historic Sites Commission		
Other Expenses	1,000.00	500.00
Planning Board		
Salary & Wages	64,000.00	32,000.00
Other Expenses	34,800.00	17,400.00
Planning Board Contractual		
Other Expenses	31,400.00	15,700.00
Zoning Board		
Salary & Wages	158,000.00	79,000.00
Other Expenses	55,150.00	27,575.00
Liability Insurance	450,000.00	450,000.00

Workers Comp	600,000.00	600,000.00
Group Insurance	2,215,000.00	1,107,500.00
Unemployment Insurance	25,000.00	12,500.00
Police		
Salary & Wages	8,380,000.00	4,190,000.00
Other Expenses	363,000.00	181,500.00
Crime Prevention		
Other Expenses	23,405.00	11,702.50
School Educational Programs		
Other Expenses	13,900.00	6,950.00
Highway Safety		
Other Expenses	21,900.00	10,950.00
Emergency Management		
Salary & Wages	23,000.00	11,500.00
Other Expenses	16,850.00	8,425.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	133,500.00	66,750.00
Other Expenses	13,340.00	6,670.00
Municipal Prosecutors Office		
Salary & Wages	32,500.00	16,250.00
Streets and Road Maint		
Salary & Wages	1,555,000.00	777,500.00
Other Expenses	45,715.00	22,857.50
Snow Removal		
Salary & Wages	50,000.00	25,000.00
Other Expenses	372,290.00	549,000.00
Public Works - Other		
Salary & Wages	350,000.00	175,000.00
Other Expenses	66,020.00	33,010.00

Shade Tree Commission		
Salary & Wages		0.00
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	20,600.00	10,300.00
Other Expenses	704,124.00	352,062.00
Buildings & Grounds		
Salary & Wages	442,000.00	221,000.00
Other Expenses	232,140.00	116,070.00
Vehicle Maintenance		
Salary & Wages	415,000.00	207,500.00
Other Expenses	129,800.00	64,900.00
Community Services Act		
Other Expenses	94,700.00	0.00
Open space Committee		
Other Expenses	2,500.00	1,250.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,670.00	835.00
Drug Abuse Control		
Salary & Wages	10,000.00	5,000.00
Other Expenses	7,550.00	3,775.00
Environmental Health Services		
Salary & Wages	2,000.00	1,000.00
Other Expenses	5,000.00	2,500.00
Animal Control Services		
Other Expenses	55,000.00	27,500.00
Recreation		
Salary & Wages	410,000.00	205,000.00
Other Expenses	126,940.00	63,470.00
Park Maintenance		
Salary & Wages	515,000.00	257,500.00
Other Expenses	44,605.00	22,302.50

Municipal Library		
Other Expenses	16,200.00	8,100.00
Prior Year Bills	10,000.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Deficit in Animal control	1,929.19	0.00
Postage		
Other Expenses	60,000.00	30,000.00
Electricity	412,000.00	206,000.00
Street Lighting	674,000.00	337,000.00
Telephone	150,000.00	75,000.00
Water	24,000.00	12,000.00
Natural Gas	95,000.00	47,500.00
Sewer	10,400.00	5,200.00
Gasoline	336,500.00	168,250.00
Landfill Disposal Costs	222,200.00	111,100.00
PERS	345,000.00	679,885.00
FICA	1,000,000.00	500,000.00
Contingent	10,000.00	5,000.00
Municipal Court		
Salary & Wages	308,000.00	154,000.00
Other Expenses	125,140.00	62,570.00
Public Defender		
Salary & Wages	16,000.00	8,000.00
Other Expenses		

Affordable Housing		
Salary & Wages	4,000.00	2,000.00
Other Expenses	4,300.00	2,150.00
Police Dispatch 911		
Salary & Wages	660,000.00	330,000.00
Other Expenses	248,000.00	124,000.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	916,058.50	1,905,039.00
SFSP Fire District Payments		
Other Expenses	14,229.00	0.00
Clean Communities Act	51,267.57	24,134.34
Monmouth Drug & Alcohol		
Grant Share	28,547.00	28,547.00
Local Share	7,136.00	7,136.00
Recycling tonnage Grant	40,370.49	0.00
DDEF	0.00	4,629.47
Body Armor Grant	6,970.90	0.00
2008 Green Communities Phase II Grant	3,000.00	0.00
Click It or Ticket	4,000.00	0.00
Handicapped Recreation Opportunities Grant		
Grant Share	2,100.00	0.00
Local Match	420.00	0.00
Alcohol Rehab Grant	1,124.46	788.96
Bond Principal	1,855,000.00	0.00
Bond Anticipation Notes	41,175.00	41,175.00
Bond Interest	567,500.00	250,000.00

Note Interest	183,610.00	197,675.00
Green Acres Trust - P & I	28,865.00	28,865.00
Capital Lease program		
Principal	274,200.00	0.00
Interest	43,569.00	14,525.00
Emergency Authorizations	305,000.00	0.00
Deferred Charges	0.00	
Reserve for Uncollected Taxes	1,900,000.00	0.00
Totals	32,021,046.11	16,627,391.77

Swim Utility

Salary & Wages	435,000.00	217,500.00
Other Expenses	604,762.50	300,000.00
Capital Outlay	60,000.00	30,000.00
Payment of Bond Principal	10,000.00	0.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	237.50	0.00
Fund Totals	1,110,000.00	547,500.00

Water Utility

Administration		
Salary & Wages	378,370.00	189,185.00
Fringe Benefits	122,135.00	61,067.50
Other Expenses	406,200.00	203,100.00
Cost of Providing Services		
Salary & Wages	494,650.00	247,325.00
Fringe Benefits	155,445.00	77,722.50
Other Expenses	4,260,503.00	2,130,251.50

Payment of Bond Principal	886,321.00	443,160.50
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,729,168.00	864,584.00
 Fund Totals	 8,432,792.00	 4,216,396.00

At 10:20PM, Council Vice President Marder moved that the meeting go into executive session for reason of discussing contract negotiations. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

RESOLUTION # 2010-95

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 18th day of February, 2010 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 10 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:30PM, Council Vice President Marder moved that the meeting be opened. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

At 10:31PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council President LaRocca, and there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 18, 2010

OFFERED BY: Metzger

AYES: 4

SECONDED BY: Mazzola

NAYS: 0

ABSENT: Cantor

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LAROCCA,
COUNCIL PRESIDENT