

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 20, 2010

The Marlboro Township Council held its regularly scheduled meeting on May 20, 2010 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

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. Notice of the time change was given to the above on May 10, 2010.

The Clerk called the Roll.

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

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

Council President LaRocca moved that the minutes of April 15, 2010 be approved. This motion was seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

Council President LaRocca opened the Public Hearing on Ordinance # 2010-11 (Ord. Amending Chapter 125 - Constr. Codes, Uniform To Create a new section 125-7 (Establishing

Violations and penalties without permits). As there was no one who wished to speak, the Public Hearing was closed. Council President LaRocca stated that he recently discussed the ordinance with Building/Construction Official Joseph Labruzzo and that Council may consider some amendments. After discussion, Council President La Rocca moved to table Res. # 2010-181/Ord. # 2010-11 (Ord. Amending Chapter 125 - Constr. Codes, Uniform to create a new section 125-7 (Establishing Violations and penalties without permits) to the June 3rd meeting. Motion was seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor of tabling, with Councilman Cantor abstaining.

The following Resolution # 2010-182 (Appointing Nanto Committee Member - Elyse Spiewak) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-182

A RESOLUTION APPOINTING ELYSE SPIEWAK TO FILL THE
UNEXPIRED TERM OF DAWN KLEIN IN YOUTH EXCHANGE
ADVISORY COMMITTEE

WHEREAS, pursuant to Section 4-100 of the Code of the Township of Marlboro, the Township Council established the Youth Exchange Advisory Committee as a special committee of the Township Council to oversee the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and Nanto City, Toyama Prefecture, Japan; and

WHEREAS, pursuant to Section 4-100(C)(1) of the Code, the Youth Exchange Advisory Committee shall consist of twelve (12) members appointed by the Township Council; and

WHEREAS, Dawn Klein has resigned her Committee membership, which is due to expire on December 31, 2010, creating a vacancy on the Youth Advisory Committee; and

WHEREAS, the Township Council desires to fill this vacancy and appointment a new member for the remainder of Ms. Klein's term.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that ELYSE SPIEWAK is hereby appointed to fill the unexpired term of DAWN KLEIN for a term expiring on December 31, 2012; and

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

- a. Elyse Spiewak
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2010-183 (Release of Performance Bond - Prasad - Block 222, L. 19) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Cantor. Discussion following, during which Township Engineer Ernest Peters answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-183

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE PROPERTY KNOWN AS 7 SCHOOL ROAD EAST,
BLOCK 222, LOT 19, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance Guarantees in the form of a bond and cash deposit for site improvements ("Public Improvements") on the property known as 7 School Road East, Block 222, Lot 19, Marlboro, New Jersey, (the "Site") posted by Joseph Prasad, DMD (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated April 27, 2010 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees, in the form of a bond, Bond No. BMY-6484621 issued by the Hanover Insurance Company in the

original and present amount of \$33,800.71 and cash deposit in the original and present amount of \$3,755.63 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$4,694.54; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantees.

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 current Performance Guarantees for the Site (as defined and described hereinabove), Bond No. BMY-6484621 issued by the Hanover Insurance Company in the original and present amount of \$33,800.71 and cash deposit in the original and present amount of \$3,755.63 posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$4,694.54; and

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

- a. Joseph Prasad, DMD
- b. Hanover Insurance company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2010-184 (Award of Bid - Type 13 Bulky Waste) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-184

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO REPUBLIC SERVICES OF NJ, LLC D/B/A MARPAL COMPANY
FOR THE PROVISION OF DISPOSAL SERVICES FOR TYPE 13
BULKY WASTE FOR THE TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of Disposal Services for Type 13 Bulky Waste for the Township of Marlboro (the "Services") and on May 6, 2010 received one (1) bid therefor; and

WHEREAS, the one (1) bid received was as follows:

Company	Price per Ton	Price for 1,000 tons
Republic Services of NJ, LLC d/b/a Marpal Company	\$78.00	\$78,000.00

WHEREAS, the Department of Public Works has reviewed the bid received and recommended that the Contract for the Services be awarded to Republic Services of NJ, LLC d/b/a Marpal Company as the lowest bidder, 1861 Wayside Road, Tinton Falls, New Jersey 08901, for the bid price amount of \$78.00 per ton, with a price of \$78,000.00 for 1,000 tons, and which total bid price shall not exceed twenty percent (20%) of the 1,000 tons, and which bid price shall not exceed an additional amount of \$15,600.00, representing an additional twenty percent (20%) of the price for 1,000 tons, for a total price not to exceed \$93,600.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Account No. 10-01-170-286 for the Services; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for Disposal Services for Type 13 Bulky Waste for the Township of Marlboro be and is hereby awarded to Republic Services of NJ, LLC d/b/a Marpal Company as the lowest bidder, 1861 Wayside Road, Tinton Falls, New Jersey 08901, for the bid price amount of \$78.00 per ton, with a price of \$78,000.00 for 1,000 tons, and which total bid price shall not exceed twenty percent (20%) of the 1,000 tons, and which bid price shall not exceed an additional amount of

\$15,600.00, representing an additional twenty percent (20%) of the price for 1,000 tons, for a total price not to exceed \$93,600.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$93,600.00 will be made available for aforesaid Contract from the following Account: 10-01-170-286; and

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

- a. Republic Services of NJ, LLC d/b/a Marpal Company
- 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 Resolution # 2010-185(Award of Bid - Type 13 Bulky Waste) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-185

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS
MUNICIPAL PERSONAL PROPERTY NOT NEEDED FOR
PUBLIC USE BY PUBLIC ON-LINE AUCTION

WHEREAS, pursuant to N.J.S.A. 40A:11-36, a municipality may, by resolution, authorize the sale of its personal property not needed for public use; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("DCA") has issued Local Finance Notice 2008-9 ("LFN-2008-9") which permits a municipality to sell its personal property not needed for public use on-line; and

WHEREAS, LFN-2008-9 sets forth procedural guidelines regarding the use of a on-line public auction for the sale of such municipal personal property not needed for public use; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro deem that it is in the best interests of the Township of Marlboro to sell the Township's personal property not needed for public use using the on-line auction process set forth in LFN-2008-9; and

WHEREAS, govdeals.com is one of the internet based vendors approved by the DCA to carry out on-line auctions of municipal property not needed for public use.

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:

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated May 20, 2010 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A" shall be sold by auction on-line by govdeals.com; and
3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and

6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information on the internet based sale in the official newspaper of the Township of Marlboro as follows:
 - a. An announcement of the auction and that the item(s) shall be sold on-line;
 - b. the internet address for the sale being advertised;
 - c. the date and time of the auction and a general description of the surplus personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required is not required in the newspaper advertisement; and
 - d. a statement that bidders must pre-register with the approved internet based vendor and the internet address with registration information.

7. Pursuant to N.J.S.A. 40A:11-36, sales shall be held not less than seven (7) nor more than fourteen (14) days after the latest publication of the advertisement.

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

- a. govdeals.com
- b. Mayor Jonathan Hornik
- c. Business Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP
- f. Division of Local Government Services,
Department of Community Affairs

EXHIBIT "A"
DATED MAY 20, 2010

TOWNSHIP OF MARLBORO
NOTICE OF SALE OF SUPPLUS MUNICIPAL PERSONAL PROPERTY

<u>Item</u>
Nikon Digital Camera
2 Training Trailers
Generator/FAA
Panasonic Phone System and Phones
Meridian Phone System and Phones
Toshiba Phone System and Phones
3 Transcribers
Taylor Ice Cream Machine
Tax Assessor Books
1 Pallet of Various computer equipment
Emglo Air Compressor 30 Gallon 240 volt
Cat 5 Cords
<u>Police</u>
Lloyds-1986 TV/VHS System
Kobra Shredder 390ss
HP Deskjet 1120C printer
4 13" Monitors AOC-color 7f Model
Dell 13" Monitor 2003
Epson Stylus Color 800 Printer
Lexmark Form Printer 2400
IBM Wheelwriter 1000 Lexmark typewriter
Old Calculator with paper reel
2 Fans old Square style
Whirlpool Accudry Dehumidifier
3 (4 draw) Standard size filing cabinet black
3(5 draw)Standard size filing cabinet black
ARC Net Active 8 cable port hub(120volt)
Box of coaxial cables
4keyboard trays,3 mice,2 power strips
3Tubes of Panasonic Toner43.38 oz
2 Computer flat screen stands
4 Motorola Adventure v750
1 LG VX5300
8 Samsung SCH-U410
12 Samsung SCH A870
1 Samsung SCHA630
SCHA390 Vehicle Charger
12 Earbuds 2.5

<u>Bikes</u>
Description
Kids Schwinn Scrambler Blue/Green
Kids DiamondBack Black/Blue
Kids GT Flame Green
Adult 2000 Pacific Silver
Navigator 100 Trek Black/Silver
Adult Mongoose Silver
Adult Mongoose Silver
Kids Mongoose Purple
Kids Magna Purple
Kids Eastern Blue
Adult Huffy Blue/Green
Adult Schwinn Red
Mongoose Frame only Red
Kids Mongoose Silver
Kids Unknown Silver
Adult Mongoose Silver
Adult Rift Zone
Adult Huffy Purple
Adult Magna Silver/Blue

The following Resolution # 2010-187 (Authorizing Contract - Administration for Affordable Housing - Rehabilitation Program) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-187

A RESOLUTION AUTHORIZING A CONTRACT TO THE MONMOUTH HOUSING ALLIANCE, INC. d/b/a AFFORDABLE HOUSING ALLIANCE FOR THE ADMINISTRATION OF MARLBORO TOWNSHIP'S OWNER-OCCUPIED AND RENTAL REHABILITATION PROGRAMS

WHEREAS, the Township Council of the Township of Marlboro petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 30, 2008; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate households; and

WHEREAS, COAH's rules require municipalities having a rehabilitation obligation to provide a rehabilitation program to renovate deficient housing units that are owner-occupied as well as rented pursuant to N.J.A.C. 5:97-6.2; and

WHEREAS, COAH has determined that Marlboro has an owner-occupied rehabilitation obligation of thirty-six (36) units; and

WHEREAS, COAH has determined that Marlboro has a rental rehabilitation obligation of nine (9) units; and

WHEREAS, the Township of Marlboro requires the services of an administrator for its owner-occupied and rental rehabilitation programs pursuant to N.J.A.C. 5:97-6.2; and

WHEREAS, Marlboro is not equipped nor able to administer its own rehabilitation obligation for both owner-occupied and rental units and therefore, on August 6, 2009, Marlboro published a request for proposal (RFP) for an administrator for its owner-occupied and rental rehabilitation programs; and

WHEREAS, in response to the foregoing RFP the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance submitted a response to act as Marlboro's administrator of its owner-occupied and rental rehabilitation programs; and

WHEREAS, the Monmouth Housing Alliance d/b/a Affordable Housing Alliance was the sole entity submitting a response to Marlboro's RFP for rehabilitation administrator; and

WHEREAS, Marlboro's representatives thereafter interviewed a representative from the Monmouth Housing Alliance d/b/a Affordable Housing Alliance and found that the Monmouth Housing Alliance d/b/a Affordable Housing

Alliance has experience as a rehabilitation administrator and is qualified to act in such a capacity; and

WHEREAS, the Township of Marlboro has decided that it is in their residents' best interests to develop and administer an owner-occupied and rental rehabilitation program and to accept the Monmouth Housing Alliance d/b/a Monmouth Housing Alliance as the administrator of its owner-occupied and rental rehabilitation programs; and

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

WHEREAS, the Monmouth Housing Alliance d/b/a Monmouth Housing Alliance charges a fee of \$1,500 per unit for the administration of both the owner-occupied and rental rehabilitation programs as well as a \$300 certification fee for each applicant who is accepted and deemed eligible for either an owner-occupied or rental rehabilitation project with both fees being paid by the Township of Marlboro from its affordable housing trust fund; and

WHEREAS, the Mayor and Council of the Township of Marlboro desire to enter into an Agreement with the Monmouth Housing Alliance d/b/a Monmouth Housing Alliance for the purpose of administering its owner-occupied and rental rehabilitation programs in accordance with COAH's regulations pursuant to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.; and

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 Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance is herein retained as Marlboro's administrator of its owner-occupied and rental rehabilitation programs in accordance with COAH's regulations pursuant to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign such Agreement which memorializes the retention of the Monmouth Housing

Alliance, Inc. d/b/a Affordable Housing Alliance as the administrator of Marlboro's owner-occupied and rental rehabilitation programs; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby designates the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance as the administrator of its owner-occupied rehabilitation program within the Township of Marlboro; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact; and

BE IT FURTHER RESOLVED, a copy of the foregoing Agreement is hereby attached to the original of this Resolution; and

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

- a. New Jersey Council on Affordable Housing
- b. Kenneth W. Biedzynski, COAH Special Counsel
- c. Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance
- d. Municipal Housing Liaison (Thomas P. Howley)
- e. Mayor Jonathan L. Hornik
- f. Township Administrator
- g. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Resolution # 2010-186 (Authorizing Developers Agreement - Shamrock @ 79, LLC) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-186

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND SHAMROCK @ 79, LLC IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 415, LOT 31, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, EAST SIDE OF NEW JERSEY STATE HIGHWAY ROUTE 79 (SOUTH MAIN STREET)

WHEREAS, On April 21, 2010, the Planning Board of the Township of Marlboro adopted a resolution granting Preliminary and Final Site Plan Approval with Bulk Variances and Waiver to Shamrock @ 79, LLC for Phase I of the site located on property known as Block 415, Lot 31, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is the East Side of New Jersey State Highway Route 79 (South Main Street); and

WHEREAS, the Planning Board Resolution conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same 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, Shamrock @ 79, LLC for the Preliminary and Final Site Plan Approval with Bulk Variances and Waiver granted by the Marlboro Township Planning Board for the site known as Block 415, Lot 31, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is the East Side of New Jersey State Highway Route 79 (South Main Street), the negotiation and preparation of which shall be paid for from the 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. Shamrock @ 79, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2010-188 (Authorizing Contract Amendment CME - Relocate Water Main County Bridge ML-10) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Marder. Discussion followed during which Township Engineer Ernest Peters answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-188

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE RELOCATION OF A WATER MAIN ALONG TEXAS ROAD TO MONMOUTH COUNTY BRIDGE NO. ML-10 OVER DEEP RUN BROOK

WHEREAS, the Township Water utility Division requires professional engineering services in three (3) phases, comprising survey, base mapping, design, permitting and bid phase services (collectively, the "Professional Services") in connection with the relocation of a water main along Texas Road to Monmouth County Bridge No. ML-10 over Deep Run Brook, Township of Marlboro, Monmouth County, New Jersey (the "Project"); and

WHEREAS, CME Associates has provided a proposal dated May 11, 2010 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro Water Utility Division and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$26,985.00 for such Professional Services, and seeks to additionally expand the scope of services to include construction phase services, estimated at \$11,500.00, as further described and set forth in CME's Proposal, attached hereto and made a part hereof, for a total amount not to exceed \$38,485.00; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 10-05-500-486; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township Water Utility Division to amend its contract with CME Associates to provide the required additional Professional Services and construction phase services for the Project 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; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro Water Utility Division, to expand the scope of services to include professional engineering services in three (3) phases, comprising survey, base mapping, design, permitting and bid phase services ("Professional Services"), in connection with the relocation of a water main along Texas Road to Monmouth County Bridge No. ML-10 over Deep Run Brook, Township of Marlboro, Monmouth County, New Jersey (the "Project"), at a fee not to exceed \$26,985.00 for such Professional Services, and seeks to additionally expand the scope of services to include construction phase services, estimated

at \$11,500.00, as further described and set forth in CME's Proposal dated May 11, 2010 ("Proposal"), attached hereto and made a part hereof, for a total amount not to exceed \$38,485.00, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$38,485.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South,
Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2010-189 (Authorizing Contract Amendment CME - Water Utility) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. Discussion followed during which Township Engineer Ernest Peters answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 1 in favor, with Councilwoman Mazzola voting no.

RESOLUTION # 2010-189

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Township requires professional engineering services (the "Professional Services") for the Marlboro Township Department of Public Works Water Utility Division (the "Water Utility"); and

WHEREAS, the Township of Marlboro desires to enter into a Professional Services Contract with CME Associates ("CME") to provide professional engineering services to the Department of Public Works Water Utility Division in accordance with a proposal dated May 12, 2010 attached hereto and made a part hereof, at a fee not to exceed \$25,000.00 for such Professional Services at the Water Utility; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 0-05-500-501; 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 for the Department of Public Works Water Utility Division; 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; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to include professional engineering services (the "Professional Services") for the Marlboro Township Department of Public Works Water Utility Division ("Water Utility"), at a fee not to exceed \$25,000.00, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Amendment to the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$25,000.00 for such additional Professional Services for the Water Utility; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South,
Howell, NJ 07731
- b. Mayor Jonathan L. Hornik

- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2010-190 (Authorizing Contract Amendment CME - Drainage System B. 300, L. 10-54 Church Road) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-190

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
PROFESSIONAL SERVICES CONTRACT BETWEEN CME
ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR
PROFESSIONAL ENGINEERING SERVICES TO UNDERTAKE
A REVIEW OF AS-BUILT DRAINAGE CONDITIONS FOR 54
CHURCH ROAD, BLOCK 300, LOT 10, MARLBORO
TOWNSHIP, NEW JERSEY

WHEREAS, the Township requires professional engineering services to review as-built drainage conditions (the "Professional Services") at 54 Church Road, Block 300, Lot 10, Marlboro Township, New Jersey (the "Site"); and

WHEREAS, CME Associates has provided a proposal dated May January 18, 2010, revised March 3, 2010 (the "Proposal") for such Professional Services in connection with the Site; and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) at the Site for a fee not to exceed \$2,900.00 for such Professional Services as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # X-04-55-962-909; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality amend its contract with CME Associates to provide the required additional Professional Services at the Site 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; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an Amendment to the Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional engineering services to review as-built drainage conditions (the "Professional Services") at 54 Church Road, Block 300, Lot 10, Marlboro Township, New Jersey (the "Site") at a fee not to exceed \$2,900.00 for such Professional Services, as further described and set forth in CME's Proposal dated January 18, 2010, revised March 3, 2010 ("Proposal"), attached hereto and made a part hereof, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Amendment to the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$2,900.00 for such additional Professional Services at the Site as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South,
Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2010-191 (Authorization to purchase Backup Server and Tape Library for Backup Operations) was introduced by reference, offered by Council President LaRocca, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-191

A RESOLUTION AWARDING A CONTRACT TO HEWLETT PACKARD PUBLIC SECTOR SALES FOR PROVISION OF BACK-UP SERVER AND TAPE LIBRARY FOR BACK-UP OPERATIONS FOR THE TOWNSHIP OF MARLBORO UNDER STATE CONTRACT #70262

WHEREAS, the Marlboro Township Information Technology Department has recommended that the Township purchase a back-up server and tape library for back-up operations ("IT Equipment") to replace obsolete equipment from Hewlett Packard Public Sector

Sales, under State Contract #70262 for an amount not to exceed \$15,877.00; 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 necessary to provide said furniture to the Township of Marlboro's Police Department for their administrative functions; and

WHEREAS, funds are available in Capital Account Number Y-07-55-012-952 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 IT 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 a back-up server and tape library for back-up operations ("IT Equipment") for the Township of Marlboro for a total cost not to exceed \$15,877.00 from Hewlett Packard Public Sector Sales, under State Contract #70262 for an amount not to exceed \$15,877.00; and

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

- a. Hewlett Packard Public Sector
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township IT Director
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2010-192 (Change June 17th meeting location - Greenbriar Clubhouse) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-192

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting location for the regularly scheduled Council Meeting of June 17, 2010 be changed from Town Hall to the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey.

BE IT FURTHER RESOLVED that the meeting will begin at 7:00PM.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola a passed on a roll call vote of 5 - 0 in favor: Res. #2010-193 (Refunds to WMUA - Various), Res. #2010-194 (Redemption Tax Sale Certificates), Res. #2010-195 (Overpayments for 2010 Taxes), Res. #2010-197 (Raffle License Western Monmouth Jewish Services Council, Inc. - on premise 50/50), and Res. #2010-198 (Bingo License Western Monmouth Jewish Services Council).

RESOLUTION # 2010-193

WHEREAS, current sewer charges totaling \$338.91 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 \$338.91 be refunded to the Western Monmouth Utilities Authority.

Cert #	Block	Lot	Qualif er	Sewer Account	Paid By	Property Location	Amount
10-72	120.0 2	14		19196	FNA Jersey Lien Services	416 Ironwood Lane	\$ 187.90
10-73	123	2		8954	FNA Jersey Lien Services	3 Tennent Road	\$ 151.01
							\$ 338.91

RESOLUTION # 2010-194

WHEREAS, the rightful owners of several properties

have redeemed tax sale certificates totaling \$196,037.91 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$196,037.91 to be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
10-77 392 Hampton Pl.	173 7 C0392	Frank J. Festa P.O. Box 97 Scotch Plains, NJ 07076-0097	\$ 828.05
09-34 165 Dutch Lane Rd.	360.01 3	James Zurovchak 23 Galloping Hill Cir. Holmdel, NJ 07733	7,337.02
10-56 29 Brown Rd.	148 27	Edison Tax Services, LLC 1290 Wall St West Suite 301 Lyndhurst, NJ 07071	4,333.38
10-99 401 Ironwood Ln.	120.02 23	US Bank CUST for CCTS Capital, LLC Tax Lien Service Group 2 Liberty Place 50 South 16 th St. Suite 1950 Philadelphia, PA 19102	372.08
10-41 334 Bernard Dr.	178 290 C0334	Nasdom, LLC 1527 E 35 th Street Brooklyn, NY 11234	302.40
10-13 468 Hawthorne Pl.	178 2 C0469	U.S. Bank TLSG 50 S. 16 th Street Suite 1950 Philadelphia, PA 19102	545.89
09-42 32 Ryan Rd.	412 165	Plymouth Park Tax Services, LLC	9,725.53

P.O. Box 2288
Morristown, NJ
07962-2288

09-14	171.02	15	Plymouth Park Tax Services, LLC P.O. Box 2288 Morristown, NJ 07962-2288	24,586.19
25 Goshawk Ct.				
10-19	214.06	6	U.S. Bank TLSG 50 S. 16 th Street Suite 1950 Philadelphia, PA 19102	3,322.41
6 Breton Ct.				
10-39	270	15.50	Nasdom, LLC 1527 E 35 Street Brooklyn, NY 11234	181.19
112 Serpentine Dr.				
09-11	155	1.07	Royal Tax Lien Services, LLC 179 Washington Lane Jenkintown, PA 19046	144,503.77
19 Shallowbrook Rd.				
TOTAL:				<u>\$196,037.91</u>

RESOLUTION # 2010-195

WHEREAS, the attached list in the amount of \$11,105.44 known as Schedule "A", is comprised of amounts representing Overpayments for 2010 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>2010 REFUND</u>
386	21	Bekermus, Sol & Ronnie 17 Bishop Court Marlboro, NJ 07746	\$1,535.60
115	12	Robert M. & Marnie M. 21 John Street Morganville, NJ 07751	1,301.43

143.03	2	Federal Standard	2,245.07
160 Woodcliff Blvd.		Abstract, LLC 1070 Highway 34 Suite 2W Matawan, NJ 07747 Assessed Owners: Lee, Sun-Jae Thomas & Songra T.	
178	2	C0411 CitiMortgage	3,206.10
411 Yorkshire Pl.		P.O. Box 23689 Rochester, NY 14692 Assessed Owner: Darlene Tomasiello	
305	65	Corbin, Eileen S.	2,817.24
		3 Fernhill Court Morganville, NJ 07751	
TOTAL:			<u>\$11,105.44</u>

RESOLUTION # 2010-197

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-2010 (On Premise 50/50) be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on July 14, 2010 from 7:30PM - 11:00PM at Bella Vista Country Club, 100 School Road East, Marlboro, N.J. 07746.

RESOLUTION # 2010-198

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License # BL: 01-2010 be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Bingo will be held on July 14, 2010 from 7:30PM - 11:00PM at Bella Vista Country Club, 100 School Road East, Marlboro, N.J. 07746.

The following Resolution # 2010-199 (Confirming Termination of Contract Previously Awarded by MTMUA Effecting Disposition of Certain Litigation) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-199

A RESOLUTION AUTHORIZING AND/OR CONFIRMING THE TERMINATION OF CONTRACT NO. 08-03529 01-06, PREVIOUSLY AWARDED BY THE FORMERLY CONSTITUTED, AND NOW DISSOLVED, MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY; AUTHORIZING AND EFFECTING THE DISPOSITION OF CERTAIN CIVIL LITIGATION RELATING THERETO

WHEREAS, the Township Council of the Township of Marlboro has, heretofore, pursuant to duly adopted and enacted Ordinances and other legal proceedings, authorized the dissolution of the Marlboro Township Municipal Utilities Authority ("MTMUA"), which said dissolution became effective as of January 28, 2010; and

WHEREAS, prior to the aforesaid dissolution and pursuant to and in accordance with the provisions of the *New Jersey Local Public Contracts Law*, N.J.S.A. 40A:11-1, *et seq.*, the MTMUA awarded Contract No. 08-03529 01-06, to Layne Christensen Company, which said Contract encompassed the contraction of a new water treatment facility known and designated as the *Tennent Road Water Treatment Plant*; and

WHEREAS, subsequent to the award of the aforesaid Contract, but prior to the execution thereof, Clyde N. Lattimer & Son Construction Company, Inc., one of the Contract bidders, initiated civil proceedings in the Superior Court of New Jersey challenging the award of Contract No. 08-03529 01-06 to Layne Christensen Company. Said action was entitled, "*Clyde N. Lattimer & Son Construction Company, Inc. v. Marlboro Township Municipal Utilities Authority and Layne Christensen Company,*" and assigned Docket No. MON-L-5721-09; and

WHEREAS, the aforementioned litigation was concluded in the Law Division with the entry of an Order on April 21, 2010, a copy of which was provided to Marlboro Township on April 30, 2010. Pursuant to which said Order the Court vacated the MTMUA's award of Contract No. 08-03529 01-06 to

Layne Christensen Company and remanded the matter to the MTMUA, or its successors and assigns, for further proceedings; and

WHEREAS, the Township of Marlboro wishes to comply with the terms of the aforementioned Court Order as same apply to the Township; and

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

1. Upon the advice of legal counsel, the Township Council of the Township of Marlboro hereby finds and determines that Contract No. 08-03529 01-06, which was previously awarded to Layne Christensen Company by the formerly constituted and now dissolved MTMUA and which said contract award was vacated and reversed by an Order of the Superior Court of New Jersey before the execution of any contract documents, does not constitute a debt or obligation of the MTMUA that must be assumed by the Township; and

2. The Township Council of the Township of Marlboro hereby expressly declines to assume said contract or any responsibilities or obligations associated therewith and the Township Council hereby confirms the termination and nullity of said contract; and

3. Upon the further advice of legal counsel, the Township Council of the Township of Marlboro also finds and determines that the Township is not required to conclude outstanding, incomplete or pending transactions including the award of any contract that may have been the subject of a procurement process prior to the dissolution and, accordingly, the Township Council of the Township of Marlboro hereby expressly declines to take any action in furtherance of an award or formation of Contract No. 08-03529 01-06, but, rather, specifically elects to terminate and abate any further transactional or procurement proceedings relative to Contract No. 08-03529 01-06, and, by thus disposing of this matter, the Township Council of the Township of Marlboro believes that it has properly discharged any responsibilities that it may have had under the provisions of the Court Order of April 21st; and

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

- A. Mayor Jonathan L. Hornik;
- B. Marlboro Township Business Administrator;
- C. Marlboro Township Engineer;
- D. DeCotiis, FitzPatrick & Cole, LLP;
- E. CME Associates, Consulting and Municipal Engineers;
- F. Layne Christensen Company; and
- G. Clyde N. Lattimer & Son Construction Company, Inc.

At 8:35PM, Council Vice President Marder moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Council President LaRocca, and as there was no objection, the Clerk was asked to cast one ballot. Recess was held and the executive session resumed at 8:40 PM.

RESOLUTION # 2010-200

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 20th day of May, 2010 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

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 15 approximately 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 8:50PM, Councilman Cantor moved that the meeting be opened. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

At 8:51PM, Councilman Cantor 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: JUNE 17, 2010

OFFERED BY:	MARDER	AYES:	4
SECONDED BY:	MAZZOLA	NAYS:	0
		ABSTAIN:	CANTOR

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LAROCCA,
COUNCIL PRESIDENT