

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 6, 2011

The Marlboro Township Council held its scheduled reorganization meeting on January 6, 2011 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 and e-mailed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2010; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman 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.

The following resolutions of 2010 unfinished business were introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2010-478 (Cancellation of Capital Ordinance Balances), Res. #2010-479 (Cancellation of 2010 Water Unexpended Appropriation Balances), Res. #2010-480 Cancellation of 2010 Swim Unexpended Appropriation Balances), Res. #2010-481 (Authorizing Increase in Deferred School Taxes), Res. #2010-482 (Authorizing 2010 Budget Transfer), Res. #2010-483 Cancelling Grant Balances), Res. #2010-484 (Applying Overbilled Amounts for 2010 - Various), Res. #2010-485 (Overpayments for 2010 Taxes), Res. #2010-486 (Refunds Mon. County Taxation Board Judgments - Various) and Res. #2010-487 (Emergency Appropriation - Snow Removal).

RESOLUTION # 2010-478

WHEREAS, certain ordinances exist on the financial records of the Township of Marlboro, Monmouth County, State of New Jersey with both funded and unfunded balances, and

WHEREAS, the purposes for which these projects or ordinances were originally passed are either complete or deemed no longer necessary, and

WHEREAS, it is the desire of the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to cancel these ordinances and remove the unfunded authorizations from the Township debt and funded balances to capital surplus.

NOW, THEREFORE, BE IT RESOLVED, that the funded Capital Ordinances listed below are hereby cancelled into Capital surplus and the unfunded ordinances to be removed from Debt authorized in the amounts listed and any outstanding encumbrances hereby cancelled.

Ordinance Number	Funded Balance	Unfunded Balance
28-00 / 03-05	246.00	
01-18	72,798.36	
02-15	7,385.59	
02-17, 03-04, 03-07	65,908.95	
02-28	92,389.68	300.00
03-11	1,058,152.82	
03-12 (Open Space)	82,984.66	
03-14	20,000.00	
04-21		56,773.61
05-18	18052.78	
05-36	153,883.83	
	58,982.21	
06-19		
08-23 (Open Space)		85,136.69
Totals	\$1,630,784.88	\$142,210.30

RESOLUTION # 2010-479

WHEREAS, appropriations exist in the 2010 Water Utility Operating budget that have been deemed to not be needed for the operations within the calendar year of 2010, and therefore remain unspent, and

WHEREAS, it is permissible for appropriations to be cancelled to surplus in the year budgeted,

NOW, THEREFORE, BE IT RESOLVED that the amount of \$250,000.00 be hereby cancelled from Water Utility Salary and Wages, \$300,000.00 is cancelled from Water Utility Other Expenses, \$200,000 is cancelled from the Capital Improvement Fund and \$200,000.00 is cancelled from Water Utility Capital Outlay. The total of \$950,000 is to be credited to the Water Utility Operating Surplus account.

RESOLUTION # 2010-480

WHEREAS, appropriations exist in the 2010 Swim Operating budget that have been deemed to not be needed for the operations of the calendar year of 2010, and

WHEREAS, appropriations can be cancelled in the year budgeted,

NOW, THEREFORE, BE IT RESOLVED that the amounts of \$30,000.00 of the appropriation for Swim Operating Salary & Wages, \$17,000 in Other Expenses, and \$53,000 from Capital Outlay be hereby cancelled in the 2010 Swim Utility Operating budget.

RESOLUTION # 2010-481

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wish to defer school tax as promulgated by the Division of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to increase the Township's deferred school taxes as of December 31, 2010 as follows:

	<u>From</u>	<u>To</u>	<u>Increase</u>
Local District School	\$31,617,738.00	\$33,965,350.00	\$2,347,612.00
Regional High School	\$13,192,547.00	\$13,394,935.00	\$ 202,388.00
Total	\$44,810,285.00	\$47,360,285.00	\$2,550,000.00

RESOLUTION # 2010-482

RESOLUTION AUTHORIZING BUDGET TRANSFERS
DURING LAST TWO MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2010 Municipal Budget as follow:

From:

Group Insurance	1,500.00
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To:

Clerk S&W	500.00
Fleet S&W	1,000.00

Totals	1,500.00	1,500.00
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RESOLUTION # 2010-483

RESOLUTION CANCELLING THE 12/31/10
BALANCE OF VARIOUS GRANTS

WHEREAS, THE Township of Marlboro 12/31/10 financial records contain a receivable with an offsetting appropriation with the balance of \$29,636.75 for the Statewide Livable Communities Grant; and

WHEREAS, the Township of Marlboro has received notice from the State of New Jersey that this grant balance has expired, and

WHEREAS, the grant needs to be cancelled by resolution of the Township Council to remove it from the financial records of the Township,

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby authorizes the Township Chief Financial Officer to cancel the balance of \$29,636.75 for the Statewide Livable Communities Grant receivable and appropriated and to make the appropriate entries in the Township financial records.

RESOLUTION # 2010-484

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2010, and

WHEREAS, the 2010 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$109.20 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
362	22 QFarm	Dan & Regina Werbler 104 School Road East Marlboro, NJ 07746	\$14.76
364	65 School Road East	Joseph Manzo 4 Longbridge Road Colts Neck, NJ 07722	65.62
172	58 QFarm Tennent Rd.	Crawfords Holdings, LLC 76 Stillwell Road Holmdel, NJ 07733	17.63
172	59 QFarm Tennent Rd.	Crawfords Holdings, LLC 76 Stillwell Road Holmdel, NJ 07733	11.19
TOTAL:			\$ 109.20

RESOLUTION # 2010-485

WHEREAS, the attached list in the amount of \$8,459.97 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>
190	1	Marc & Nadia Stern 46 Stony Hill Dr. Morganville, NJ 07751	\$ 2,390.55
146	25	Pallu Assoc., LLC C/O M. Weitz 811 Amboy Ave., Ste. E Edison, NJ 08837	1,054.88
412.03	3	Shiv P. & Maju Sharma 6 Warbler Road Marlboro, NJ 07746	2,396.65
301	20	Marie Teresa Riehl 1 Victoria Court Morganville, NJ 07751	2,617.89
TOTAL:			<u>\$8,459.97</u>

RESOLUTION # 2010-486

WHEREAS, the Monmouth County Board of Taxation has granted judgments for 2010 Added Assessments as per the attached Schedule "A",

WHEREAS, taxes for the year 2010 have been paid in full, the Tax Collector is directed to refund the amount of \$3,288.86 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,288.86 as noted above.

SCHEDULE A

231	17	Royal Tax Lien	\$3,288.86
58	School Rd. W.	Services, LLC 115 West Avenue Suite 300 Jenkintown, PA 19046 Assessed Owner: Crystal Cove Estates, LLC	

RESOLUTION # 2010-487

RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION
PURSUANT TO NJS 40A:4-48

WHEREAS, an emergency has arisen with respect to a major snow storm that struck Monmouth County on December 26, 2010; and

WHEREAS, the Governor declared a state of emergency following the storm; and

WHEREAS, no adequate provision was made in the 2010 Municipal budget for the aforesaid purpose; and

WHEREAS, the occurrence of said storm could not have been foreseen at the time the 2010 Municipal Budget for the Township of Marlboro was prepared, and

WHEREAS, NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$370,000.00 and three (3) percent of the total operating appropriations in the budget for 2010 is \$1,010,622.39; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2010; and

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is here by made for 2010 Winter Storm Costs AS TO SALARIES AND WAGES AND/OR OTHER EXPENSES in the amount of \$370,000.00.
2. That said emergency appropriation shall be provided for in full in the 2011 budget, and is requested to be excluded from both the spending and tax levy CAP, pursuant to NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

The following Resolution #2011-1 (Election of Council President) was introduced by Council President LaRocca, offered by Councilman Metzger, seconded by

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

RESOLUTION # 2011-1

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 4-7 of the Code of the Township of Marlboro, RANDI MARDER shall serve as the Council President of the Marlboro Township Council.

Council President Marder took the Oath of Office and proceeded to chair the meeting.

The following Resolution #2011-2 (Election of Council Vice President) was introduced by reference, offered by Councilman La Rocca, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2011-2

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 4-7 of the Code of the Township of Marlboro, JEFF CANTOR shall serve as the Council Vice President of the Marlboro Township Council.

Council Vice President Cantor took the oath of office.

The following Resolution #2011-3 (Confirmation of Appointments of Municipal Officials - Township Attorney, Public Defender and Municipal Prosecutor) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-3

RESOLUTION CONFIRMING APPOINTMENT OF MUNICIPAL
OFFICIALS FOR THE TOWNSHIP OF MARLBORO FOR
A TERM ENDING ON DECEMBER 31, 2011

WHEREAS, Mayor Jonathan Hornik has appointed Louis N. Rainone as Director of Law for the Township of Marlboro for a term ending on December 31, 2011; and

WHEREAS, Mayor Jonathan Hornik has appointed Allen Falk as Township Prosecutor for the Township of Marlboro for a term ending on December 31, 2011; and

WHEREAS, Mayor Jonathan Hornik has appointed Michael DuPont as Public Defender for the Township of Marlboro for a term ending on December 31, 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that it hereby confirms the appointment, by Mayor Jonathan Hornik, of Louis N. Rainone as Director of Law, Allen Falk as Township Prosecutor and Michael Dupont for the Township of Marlboro, with terms ending on December 31, 2011.

The following Resolution #2011-4 (Authorizing Contract DeCotiis, Fitzpatrick & Cole, LLP - Township Attorney) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-4

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO DECOTIIS, FITZPATRICK & COLE, LLP FOR TOWNSHIP ATTORNEY SERVICES

WHEREAS, pursuant to N.J.S.A. 40A:69A-43, Mayor Jonathan Hornik appointed Louis N. Rainone, Esq., of the law firm of DeCotiis, FitzPatrick & Cole, LLP, as Director of Law of the Township of Marlboro for the period of January 1, 2011 through December 31, 2011; and

WHEREAS, such appointment received the advice and consent of the Township Council by Resolution #2011-3; and

WHEREAS, the Township of Marlboro requires legal services of the Township Attorney, to be authorized pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such legal services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received proposals dated November 29, 2010 (the "Proposals") from DeCotiis, FitzPatrick & Cole, LLP (the "Business Entity") in response to Request for Qualifications for Township Attorney and Labor Counsel services issued by the Township which set forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to DeCotiis, FitzPatrick & Cole, LLP pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposals dated November 29, 2010, copies of which are attached hereto, in an amount not to exceed \$425,000.00 for Township Attorney services; and

3. The Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver said

Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-5 (Authorizing Contract DeCotiis, Fitzpatrick & Cole, LLP - Bond Counsel) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-5

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
PROFESSIONAL SERVICES TO DECOTIIS, FITZPATRICK &
COLE, LLP FOR BOND COUNSEL SERVICES

WHEREAS, the Township of Marlboro requires bond counsel services, to be authorized pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such legal services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 29, 2010 (the "Proposal") from DeCotiis, FitzPatrick & Cole, LLP (the "Business Entity") in response to Request for Qualifications for bond counsel services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant

to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available through various bond authorizations to be financed; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to DeCotiis, FitzPatrick & Cole, LLP pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposal dated November 29, 2010, a copy of which is attached hereto; and

3. The Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-6 (Authorizing Contract DeCotiis, Fitzpatrick & Cole, LLP - Affordable Housing) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-6

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR PROFESSIONAL SERVICES TO DECOTIIS, FITZPATRICK
& COLE, LLP FOR LEGAL DEFENSE PERTAINING
TO AFFORDABLE HOUSING LAWSUITS

WHEREAS, pursuant to N.J.S.A. 40A:69A-43, Mayor Jonathan Hornik appointed Louis N. Rainone, Esq., of the law firm of DeCotiis, FitzPatrick & Cole, LLP, as Director of Law of the Township of Marlboro for the period of January 1, 2011 through December 31, 2011; and

WHEREAS, such appointment received the advice and consent of the Township Council by Resolution #2011-003; and

WHEREAS, the Township of Marlboro requires legal defense pertaining to affordable housing lawsuits, to be authorized pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such legal services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received proposals dated November 29, 2010 (the "Proposals") from DeCotiis, FitzPatrick & Cole, LLP (the "Business Entity") in response to Request for Qualifications for Township Attorney and

Labor Counsel services issued by the Township which set forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to DeCotiis, FitzPatrick & Cole, LLP pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposals dated November 29, 2010, copies of which are attached hereto, in an amount not to exceed \$100,000.00 for Township Attorney services; and

3. The Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and

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

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-7 (Authorizing Contract Township Engineer - CME) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-7

RESOLUTION APPOINTING CME ASSOCIATES AS TOWNSHIP
ENGINEER AND AUTHORIZING A PROFESSIONAL SERVICES
CONTRACT THEREFOR FOR THE YEAR 2011

WHEREAS, the Township of Marlboro is in need of the services of a Township Engineer, to be appointed pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such engineering services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated December 1, 2010 (the "Proposal") from CME ASSOCIATES (the "Business Entity") in response to a Request for Qualifications for the services of a Township Engineer issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to CME ASSOCIATES pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposal dated December 1, 2010, a copy of which is attached hereto, in an amount not to exceed \$103,500.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. CME ASSOCIATES
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-8 (Authorizing Contract Township Conflict Engineer - Birdsall) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-8

RESOLUTION APPOINTING BIRDSALL ENGINEERING AS TOWNSHIP
CONFLICT/ALTERNATE ENGINEER AND AUTHORIZING A PROFESSIONAL
SERVICES CONTRACT THEREFOR FOR THE YEAR 2011

WHEREAS, the Township of Marlboro is in need of the services of a Township Conflict/Alternate Engineer, to be appointed pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such engineering services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 22, 2010 (the "Proposal") from BIRDSALL ENGINEERING (the "Business Entity") in response to a Request for Qualifications for the services of a Township Conflict/Alternate Engineer issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a

contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to BIRDSALL ENGINEERING pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposal dated November 22, 2010, a copy of which is attached hereto; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Birdsall Engineering
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-9 (Authorizing Contract Township Planner - Heyer Gruel) was introduced by

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

RESOLUTION # 2011-9

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT
TO HEYER, GRUEL & ASSOCIATES AS TOWNSHIP PLANNER
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2011

WHEREAS, the Township of Marlboro is in need of the services of a Township Planner, to be appointed pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such planning services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 30, 2010 (the "Proposal") from HEYER, GRUEL & ASSOCIATES (the "Business Entity") in response to a Request for Qualifications for the services of Township Planner issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to HEYER, GRUEL & ASSOCIATES pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 30, 2010, a copy of which is attached hereto, in an amount not to exceed \$65,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Heyer Gruel & Associates
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-10 (Authorizing Contract Planner Affordable Housing - Heyer Gruel) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-10

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO HEYER, GRUEL & ASSOCIATES FOR PLANNING SERVICES IN

CONNECTION WITH AFFORDABLE HOUSING MATTERS FOR THE
TOWNSHIP OF MARLBORO FOR THE YEAR 2011

WHEREAS, the Township of Marlboro is in need of planning services in connection with affordable housing matters, to be appointed pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such planning services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 30, 2010 (the "Proposal") from HEYER, GRUEL & ASSOCIATES (the "Business Entity") in response to a Request for Qualifications for planning services in connection with affordable housing matters issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to HEYER, GRUEL & ASSOCIATES pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 30, 2010, a copy of which is attached hereto, in an amount not to exceed \$100,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Heyer, Gruel & Associates
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-11 (Authorizing Contract Special Counsel for Affordable Housing - Kenneth Biedzynski) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-11

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC AS SPECIAL COUNSEL FOR AFFORDABLE HOUSING FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2011

WHEREAS, the Township requires the services of an attorney as Special Counsel for Affordable Housing, such services to be rendered by Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger Biedzynski, LLC under a contract awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice law in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated December 1, 2010 (the "Proposal") from GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC (the "Business Entity") in response to a Request for Qualifications for the services of special counsel for affordable housing issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a

Professional Services Contract to GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated December 1, 2010, a copy of which is attached hereto, in an amount not to exceed \$100,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Goldzweig, Green, Eiger & Biedzynski, LLC
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-12 (Authorizing Contract Special Tax Conflict Counsel) 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 # 2011-12

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH HARRY HAUSHALTER, ESQ., TO ACT AS SPECIAL TAX CONFLICT COUNSEL

WHEREAS, the Township requires special tax conflict counsel services, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice law in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 18, 2010 (the "Proposal") from HARRY HAUSHALTER, ESQ. (the "Business Entity") in response to a Request for Qualifications for the services of special tax conflict counsel issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will not exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to HARRY HAUSHALTER, ESQ. pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 18, 2010, a copy of which is attached hereto, in an amount not to exceed \$5,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Harry Haushalter, Esq..
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-13 (Authorizing Contract Special Tax Counsel) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-13

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC TO ACT AS SPECIAL TAX COUNSEL

WHEREAS, the Township requires special tax counsel services, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice law in the State of New Jersey and, accordingly, constitute professional services exempt from

public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 29, 2010 (the "Proposal") from CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC (the "Business Entity") in response to a Request for Qualifications for the services of special tax counsel issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 29, 2010, a copy of which is attached hereto, in an amount not to exceed \$30,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Cleary, Giacobbe, Alfieri, Jacobs, LLC
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-14 (Authorizing Contract Auditor - Wiss & Co.) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-14

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND
EXECUTION OF A PROFESSIONAL SERVICES CONTRACT
WITH WISS & COMPANY, LLP TO ACT AS THE
INDEPENDENT TOWNSHIP AUDITOR

WHEREAS, the Township of Marlboro requires the services of an auditor to provide the 2010 statutory audit of Township financial records and to perform the duties and render such services as may from time to time be requested by the Township Council, the Chief Financial Officer or the Township Administrator (collectively referred to hereinafter as the "Audit and Related Services") and issued a Request for Proposals for Audit and Related Services in December 2010; and

WHEREAS, such Audit and Related Services are to be performed and rendered by a person or persons licensed and authorized to practice accounting in the State of New Jersey and accordingly constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 29, 2010 (the "Proposal") from WISS & COMPANY (the "Business Entity") in response to a Request for Qualifications for the services of Township Auditor issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to WISS & COMPANY pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 29, 2010, a copy of which is attached hereto, in an amount not to exceed \$45,000.00 for performance of the Audit; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver

said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Wiss & Company
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-15 (Authorizing Contract Risk Management) was introduced by reference, offered by Councilman LaRocca and seconded by Councilman Metzger. Business Administrator Jonathan Capp answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-15

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH NORTH AMERICAN INSURANCE MANAGEMENT CORPORATION ("NAIMC") FOR BENEFITS CONSULTING, RISK MANAGEMENT AND BROKERAGE SERVICES AS AN EXCEPTION TO THE COMPETITIVE PUBLIC BIDDING PROCESS UNDER N.J.S.A. 40A:11-5(M)

WHEREAS, the Township of Marlboro requires the services of a consultant to provide insurance benefits consulting, risk management and brokerage services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5, pursuant to the provisions of N.J.S.A. 40A:10-36; and

WHEREAS, such services, i.e., insurance, including the benefits consulting and brokerage services are Extraordinary Unspecifiable Services, are exceptions pursuant to N.J.S.A. 40A:11-5(m) and may be awarded without competitive bidding therefor; and

WHEREAS, said services cannot reasonably be described by written specifications; and

WHEREAS, the Township received proposals dated November 29, 2010 (the "Proposal") from North American Insurance Management Corporation ("NAIMC") (the "Business Entity") in response to a Request for Qualifications for risk management consulting and brokerage services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; 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 which are treated in accordance with the requirements for extraordinary unspecifiable services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined and certified that the value of the contract may exceed \$17,500.00; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and 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 the execution of a Broker of Record Letter with North American Insurance Management Corporation ("NAIMC") regarding the provision of insurance benefits consulting, risk management and brokerage services, beginning January 1, 2011 and terminating on December 31, 2011, pursuant to a fair and open process in

accordance with the provisions of N.J.S.A. 19:44A-20.4, such services being an exception under N.J.S.A. 40A:11-5(m) and in accordance with the terms of the Contract; and

2. The contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. North American Insurance Management Corporation
- b. Monmouth County Municipal Joint Insurance Fund
- c. Mayor Jonathan Hornik
- d. Marlboro Township Administrator
- e. Marlboro Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-16 (Authorizing Appraisal Services on an As-Needed Basis) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-16

RESOLUTION OF THE TOWNSHIP OF MARLBORO AWARDING
PROFESSIONAL SERVICES CONTRACTS FOR REAL ESTATE
APPRAISAL SERVICES ON AN AS-NEEDED BASIS

WHEREAS, the Township of Marlboro desires to create a pool of qualified professionals to perform real estate appraisal services ("services") for the Township as the need arises, using a fair and open process pursuant to the

provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

WHEREAS, the Township of Marlboro (the "Township") received and reviewed statements of qualifications from real estate appraisal services firms and determined to pre-qualify those firms that possess the professional and administrative capabilities to provide such services and that they offer the terms and conditions determined by the Township to provide the greatest benefit to the taxpayers of the Township (the "Qualified Firms"), so that the Township may engage any one or more of the Qualified Firms when the need for such Services arises; and

WHEREAS, it has been determined that the value of the services will not exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Marlboro (the "Township") hereby approves the following Qualified Firms:

Gagliano & Company
1129 Broad Street, Suite 101
Shrewsbury, NJ 07702

Johnson Realty Services, LLC
PO Box 434
Sea Girt, NJ 08750

Sholk Real Estate Appraisal
5 Rosemary Road
East Brunswick, NJ 08816

Sterling, Disanto & Associates
145 W. End Avenue
Somerville, NJ 08876-1809

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

(1) The Mayor and Township Clerk are hereby authorized and directed to execute contracts ("Contracts") by and between the Township and the Qualified Firms, which Contracts shall set forth the terms and conditions of, among other things, payment for Services at such time

as the Firms are called upon by the Township to render services; and

(2) That a copy of this resolution and the Contracts upon execution shall be placed on file with the Secretary and the Clerk to the Board; and

(3) That a notice in accordance with Local Public Contracts Law shall be published in a local newspaper within ten (10) days of passage of this resolution.

The following Resolution #2011-17 (Authorizing Financial Advisory Services on an As-Needed Basis) was introduced by reference, offered by Councilman Metzger, seconded by Council President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-17

RESOLUTION OF THE TOWNSHIP OF MARLBORO
AWARDING CONTRACTS FOR FINANCIAL ADVISORY
SERVICES ON AN AS-NEEDED BASIS

WHEREAS, the Township of Marlboro desires to create a pool of qualified professionals to perform financial advisory services ("Services") for the Township as the need arises, using a fair and open process pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

WHEREAS, the Township of Marlboro (the "Township") received and reviewed statements of qualifications from financial advisory services firms and determined to pre-qualify those firms that possess the professional and administrative capabilities to provide such services and that they offer the terms and conditions determined by the Township to provide the greatest benefit to the taxpayers of the Township (the "Qualified Firms"), so that the Township may engage any one or more of the Qualified Firms when the need for such Services arises; and

WHEREAS, it has been determined that the value of the contracts will not exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Marlboro (the "Township") hereby approves the following Qualified Firms:

Acacia Financial Group, Inc.
13000 Lincoln Drive West, Suite 206
Marlton, NJ 08053

Phoenix Advisors, LLC
4 West Park Street
Bordentown, NJ 08505

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

(1) The Mayor and Township Clerk are hereby authorized and directed to execute contracts ("Contracts") by and between the Township and the Qualified Firms, which Contracts shall set forth the terms and conditions of, among other things, payment for Services at such time as the Firms are called upon by the Township to render services; and

(2) That a copy of this resolution and the Contracts upon execution shall be placed on file with the Secretary and the Clerk to the Board; and

(3) That a notice in accordance with Local Public Contracts Law shall be published in a local newspaper within ten (10) days of passage of this resolution.

The following Resolution #2011-18 (Authorizing Conflict Planner Services on an As-Needed Basis) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-18

RESOLUTION OF THE TOWNSHIP OF MARLBORO
AWARDING CONTRACTS FOR TOWNSHIP CONFLICT/
ALTERNATE PLANNER ON AN AS-NEEDED BASIS

WHEREAS, the Township of Marlboro desires to create a pool of qualified professionals to serve as Township Conflict/Alternate Planner ("services") for the Township as the need arises, using a fair and open process pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

WHEREAS, the Township of Marlboro (the "Township") received and reviewed statements of qualifications from municipal planners determined to pre-qualify those firms that possess the professional and administrative capabilities to provide such services and that they offer the terms and conditions determined by the Township to provide the greatest benefit to the taxpayers of the Township (the "Qualified Firms"), so that the Township may engage any one or more of the Qualified Firms when the need for such Services arises; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice in the State of New Jersey and accordingly constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Marlboro (the "Township") hereby approves the following Qualified Firms:

CME Associates
3141 Bordentown Avenue
Parlin, New Jersey 08859

Birdsall Engineering
611 Industrial Way West
Eatontown, New Jersey 07724

The following Resolution #2011-19 (Appointment Class III Member to Planning Board - Frank LaRocca) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor. Council President Marder congratulated Councilman LaRocca.

RESOLUTION # 2011-19

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 220-9 of the Code of the Township of Marlboro, FRANK LaROCCA be and is hereby appointed to the Planning Board, as a Class III member.

The following Resolution #2010-20 (Appointment to Zoning Board of Adjustment - Keith Goff - two-year term Alt. #1) was

introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor. Council President Marder congratulated Mr. Goff.

RESOLUTION # 2011-20

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBER

WHEREAS, Section 4-90 of the Code of the Township of Marlboro created the Marlboro Township Zoning Board of Adjustment pursuant to the authority granted by N.J.S.A. 40:55D-69; and

WHEREAS, Section 220-8 of the Code of the Township of Marlboro provides that the Township Council shall appoint members of the Zoning Board of Adjustment; and

WHEREAS, the Township Council wishes to reappoint KEITH GOFF to serve as a member of the Zoning Board of Adjustment, for a two-year term as Alternate # 1.

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

That it hereby appoints KEITH GOFF to serve as a member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above.

The following Resolution #2011-21 (Confirming Appointment Agricultural Advisory Board) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-21

A RESOLUTION REAPPOINTING THOMAS GERAN TO SERVE ON THE
TOWNSHIP OF MARLBORO AGRICULTURAL ADVISORY COMMITTEE
AND DESIGNATING A CHAIRPERSON OF SAID COMMITTEE

WHEREAS, pursuant to Chapter 30 "Farmland, Open Space and Historic Sites" of the Code of the Township of Marlboro, specifically Sections 30-12 through 30-17, the Township of Marlboro created an Agricultural Advisory Committee; and

WHEREAS, pursuant to Section 30-13, the Mayor shall appoint three (3) citizens to the Agricultural Advisory Committee with the consent of the Township Council and the Mayor shall designate a Chairperson; and

WHEREAS, the Mayor wishes to reappoint THOMAS GERAN to the Agriculture Advisory Committee for a term of two (2) years; and

WHEREAS, the Mayor has indicated that HEIDI RAJAN shall be the Chairperson of said Committee for a term of one (1) year; and

WHEREAS, the Township Council now desires to consent to said reappointments.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, that the Township Council of the Township of Marlboro consents to the reappointment of THOMAS GERAN to the Agricultural Advisory Committee for a term of two (2) years and also consents to the designation of HEIDI RAJAN as the Chairperson of the Agricultural Advisory Committee for a term of one (1) year.

The following Resolution #2011-22 (Appointments to Youth Exchange Advisory Committee/Nanto) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-22

A RESOLUTION APPOINTING MEMBERS OF THE
YOUTH EXCHANGE ADVISORY COMMITTEE AND
DESIGNATING A CHAIRPERSON OF SAID 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 the Town of Johana (renamed 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, pursuant to Section 4-100(C)(4) of the Code, the Township Council shall appoint a Chairperson to act as

the presiding officer of the Youth Exchange Advisory Committee for a term of one (1) year; and

WHEREAS, the terms of four (4) of the members of the Youth Exchange Advisory Committee and the term of the Chairperson have expired; and

WHEREAS, the unexpired term of Herbert Resnick, such term expiring December 31, 2011, has also become vacant; and

WHEREAS, the Township Council now desires to fill those vacancies and appoint a new Chairperson to the Youth Exchange Advisory Committee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that HIDE PECE, RITA SCALZO, DENISE SWARTZ and PAULA TRUPPO are hereby appointed to the Youth Exchange Advisory Committee for terms of three (3) years and until the appointment and qualification of his or her successor and that ANDREA B. WENDLER is hereby appointed to fill the unexpired term of HERBERT RESNICK, expiring December 31, 2011; and

BE IT FURTHER RESOLVED, that the Township Council designates PAULA TRUPPO as Chairperson of the Youth Exchange Advisory Committee for a term of one (1) year. The following Resolution #2011-23 (Designating Community Development Representative and Alternate - Robert DiMarco and Alternate Jonathan Capp) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-23

APPOINTING TOWNSHIP OF MARLBORO COMMUNITY DEVELOPMENT REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE COUNTY OF MONMOUTH COMMUNITY DEVELOPMENT OFFICE

WHEREAS, the County of Monmouth requires that the Township of Marlboro appoint a Community Development Representative and an Alternate Community Development Representative to act as liaison between County's Community Development staff and the Township of Marlboro; and

WHEREAS, the Mayor & Township Council desire to appoint ROBERT DI MARCO as the Community Development Representative and JONATHAN CAPP as the Alternate Community Development Representative for the year 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro that ROBERT

DI MARCO is hereby appointed as Community Development Representative to the County of Monmouth Community Development Office and JONATHAN CAPP be and is hereby appointed as Alternate Community Development Representative.

The following Resolution #2011-24 (Designating Coordinator of Compliance with ADA 2011 - Jonathan Capp and Deputy Robert Di Marco) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-24

RESOLUTION DESIGNATING JONATHAN CAPP AS COORDINATOR OF COMPLIANCE EFFORTS IN CONNECTION WITH THE AMERICANS WITH DISABILITIES ACT AND ROBERT DI MARCO AS DEPUTY OR ALTERNATE COORDINATOR FOR 2011

WHEREAS, a coordinator must be named to facilitate compliance with the Americans with Disabilities Act (hereinafter "ADA"); and

WHEREAS, the Township wishes to designate JONATHAN CAPP as the Coordinator of ADA Compliance; and

WHEREAS, the Township also wishes to designate an alternate or Deputy ADA Coordinator to work in conjunction with, or in the absence of, the Coordinator to ensure that the important work of compliance continues and is maintained.

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

1. JONATHAN CAPP be and is hereby designated as Coordinator of compliance efforts in connection with the Americans with Disabilities Act; and

2. ROBERT DI MARCO is designated as Deputy/Alternate Coordinator of compliance efforts in connection with the Americans with Disabilities Act.

The following Resolution #2011-25 (Appointment of Council Liaisons) was introduced by reference, offered by Councilman LaRocca and seconded by Council President Marder. Council Vice President Cantor asked that the resolution add him as liaison to the Local Emergency Planning Committee, which was agreed to by Council.

The resolution as amended was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-25

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Liaisons, to serve at the discretion of the Township Council:

Open Space Committee	- Randi Marder
Recreation Commission	- Frank LaRocca
W.M.U.A.	- Joseph Pernice
Senior Advisory Committee	- Randi Marder
Marlboro Board of Education	- Scott Metzger
Freehold Regional Board of Education	- Bonnie Sue Rosenwald
Environmental Commission	- Carol Mazzola
Swim Committee	- Tracy Baity-Goff
Youth Exchange Advisory/ Nanto Committee	- Herbert Resnick
Economic Development	- Scott Metzger/ Carol Mazzola
Veterans & Volunteers Com.	- Jeff Cantor
Teen Advisory	- Rachel Bleier
Historical Commission	- Patrick Pentland
Marlboro Drug Alliance	- Randi Marder
Affordable Housing	- Carol Mazzola
Shade Tree	- Scott Metzger
Local Emergency Planning Committee	- Jeff Cantor

The following Resolution #2011-26 (Order of Business of Council Meetings) 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 # 2011-26

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following rules of order shall govern the meetings of the Council for 2011:

Rule 1. The Workshop and Regular Meetings of the Council shall be held on the first and third Thursday of each month (unless otherwise posted) at the Marlboro Municipal Complex.

Rule 2. The Order of Business at Meetings of the Council shall be as follows:

1. Salute to the Flag
2. Announcement of Meeting (Sunshine Law)
3. Roll Call
4. Citizen's Voice
5. Council Speaks Out
6. Administrative Report
7. Correction and/or Approval of Minutes
8. Public Hearings
9. Introduction of Ordinances
10. Resolutions
11. New Business (workshop meetings only)
12. Adjournment of Meeting

Rule 3. At Regular Meetings of the Council, any individual desiring to speak during Citizen's Voice will be allotted a maximum of five (5) minutes and will not be permitted to transfer unused time. Citizen's Voice will be limited to a total of thirty (30) minutes at Workshop Meetings and fifteen (15) minutes at Special Meetings. Said time shall be divided equally among those speakers listed on the sign in sheet for the Workshop or Special Meeting, but shall not exceed five (5) minutes for any one speaker.

Rule 4. Matters listed on the Consent Agenda are considered to be routine and may be enacted by one motion and one roll call vote. If discussion is desired by a Council Member, the item will be removed from the Consent Agenda and considered separately. All Consent Agenda items will be reflected in full in the minutes.

The following Resolution #2011-27 (Meeting Dates 2011) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor. Council Vice President Cantor stated he will not be able to attend the next two meeting dates. Councilman Metzger stated he was unable to make the meeting of January 20th.

RESOLUTION # 2011-27

BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby adopts the following dates for its regularly scheduled meetings in 2011. Notice of these dates shall be mailed to the Asbury Park Press and the Star Ledger in accordance with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-18. Notice of any other meetings of the Township Council shall be provided in accordance with the Open Public Meetings Act. All meetings shall be held at 7:00 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

BE IT FURTHER RESOLVED that action may be taken at any workshop or regular meeting without any further notice.

WORKSHOP:

REGULAR:

	January 20, 2011
February 3, 2011	February 17, 2011
March 3, 2011	March 24, 2011
April 7, 2011	(Workshop & Regular)
May 5, 2011	May 19, 2011
June 2, 2011	June 16, 2011
July 14, 2011 (Workshop & Regular)	August 11, 2011 (Workshop & Regular)
September 8, 2011	September 22, 2011
October 6, 2011	October 20, 2011
November 3, 2011	(Workshop & Regular)
December 8, 2011	(Mon.) December 19, 2011

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor: Res. #2011-28 (Official Newspapers), Res. #2011-29 (Duplicate Bills), Res. #2011-30 (Appointing Tax Search Officer - Kelly Hahn), Res. #2011-31 (Rate of Interest - Delinquent Taxes), Res. #2011-32 (Authorizing Return Check Fee for Tax Collector), Res. #2011-33 (Cancelling Balances under \$5), Res. #2011-34 (Continuation of Bonds - Officers and Employees), Res. #2011-35 (Designating Municipal Clerk/Certificates of Searches), Res. #2011-36 Temporary Budget Current (26.25%), Swim and Water Utility), Res. #2011-37 (Cash Management Plan), Res. #2011-38 (Continuation of Petty Cash Funds), Res. #2011-39 (Authorizing Bus. Admin. Execute Contracts up to \$17,500) and Res. #2011-40 (Authorizing Tax Assessor to Perform Various Duties).

RESOLUTION # 2011-28

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following newspapers are hereby

designated as the official newspapers of the Township of Marlboro for the year 2011:

ASBURY PARK PRESS
NEWARK STAR LEDGER

RESOLUTION # 2011-29

BE IT RESOLVED by the Township Council of the Township of Marlboro that the cost charged by the Tax Collector for Duplicate Bills for 2011 be as follows:

Duplicate Bills	-	\$ 5.00
Duplicate Bills (second copy)	-	<u>25.00</u>

RESOLUTION # 2011-30

WHEREAS, N.J.S.A. 54:5-11 provides that the governing body of each municipality shall from time to time by resolution designate an official in the municipality to make examinations of its records as to unpaid municipal liens and to certify the results thereof.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that KELLY HAHN be and she is hereby appointed Tax Search Officer for the Township of Marlboro, until a successor is duly qualified and appointed.

RESOLUTION # 2011-31

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments and also permits the fixing of said rate at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum of any amount in excess of \$1,500.00 and allows an additional penalty of a flat 6% to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes or other municipal charges becoming delinquent after due date and 18% per annum on any amount of taxes or other municipal charges in excess of \$1,500.00 becoming

delinquent after due date, and if a delinquency (including interest) is in excess of \$10,000.00 and remains in arrears after December 31, an additional flat penalty of 6% shall be charged against the delinquency.

BE IT FURTHER RESOLVED that this resolution shall be effective as of January 1, 2011.

RESOLUTION # 2011-32

WHEREAS, N.J.S.A. 40:5-18 authorizes a municipality to impose a service charge of \$20.00 to be added to any account owing to the municipality if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds; and

WHEREAS, whenever an account owing to a municipality is for tax or special assessment, the service charge authorized by N.J.S.A. 40:5-18 shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien; and

WHEREAS, the Township is required to determine the service charge for a check or other written instrument returned for insufficient funds from time to time, as appropriate; and

WHEREAS, any service charge shall be collected in the same manner as prescribed by law for the collection of the account for which the check or other written instrument was tendered and the governing body may require that future payments be tendered in cash or by certified or cashier's check.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that, Kelly A. Hahn, Tax Collector, be and hereby is authorized to impose a service charge of \$20.00 per check or other written instrument returned for insufficient funds; and

BE IT FURTHER RESOLVED that the Tax Collector is authorized to require that once a check or other instrument is returned for insufficient funds, that all future payments to be tendered in cash or by certified or cashier's check.

RESOLUTION # 2011-33

WHEREAS, the Tax Collector of the Township of Marlboro has requested that the Township Council of the Township of

Marlboro adopt a resolution annually authorizing the Tax Collector to cancel all underpayment and overpayment of taxes of \$5.00 or less.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Marlboro that the Tax Collector is hereby authorized to cancel all underpayment and overpayments of \$ 5.00 or less for the year 2011 & 2012.

RESOLUTION # 2011-34

BE IT RESOLVED by the Township Council of the Township of Marlboro that the bonds presently in effect for the officers and employees of the Township of Marlboro, which are required by Township Code Section 4-104, be continued for the year 2011.

BE IT FURTHER RESOLVED that the Township Auditor and Director of Finance shall review these bonds and make recommendations as to any changes to the Township Council within thirty (30) days.

RESOLUTION # 2011-35

WHEREAS, N.J.S.A. 54:5-18.3 requires that the governing body of a municipality designate by resolution either the Municipal Clerk or the Municipal Engineer as the person to make official "Certificates as to Liability for Assessment for Municipal Improvements";

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that, Alida Manco, the Municipal Clerk be and is hereby designated as the person to make Certificates as to Liability for Assessment for Municipal Improvements.

RESOLUTION # 2011-36

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2011

WHEREAS, N.J.S.A. 40A:4-19 provides for temporary appropriations to be made by the governing body within the first 30 days of the beginning of the fiscal year, and

WHEREAS, appropriations are to provide for the period for the first three months of the new fiscal year, and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal

year excluding appropriations made for interest and debt redemption charges and capital improvement fund, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro budget for Calendar Year 2011 is eight million one hundred forty six thousand thirty three dollars and sixty eight cents (\$8,146,033.68), and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Swim Utility budget is two hundred ninety thousand three hundred ninety dollars and sixty-three cents (\$290,390.63), and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Water Utility budget is three million one thousand eight hundred twelve dollars and seventy-one cents (\$3,001,812.71), and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following temporary appropriations are made for the first three months of Calendar Year 2011 according to the schedule attached hereto and a made a part hereof, and

BE IT FURTHER RESOLVED, that this Resolution take effect immediately, and that a copy of this Resolution be transmitted to the Business Administrator, Chief Financial Officer and Auditor.

	<u>2010 BUDGET</u>	<u>2011 TEMPORARY BUDGET</u>
CURRENT FUND		
Appropriations		
Administration (30)		
Salary & Wages	265,000.00	66,250.00
Other Expenses	207,020.00	51,755.00
Office of the Mayor (10)		
Salary & Wages	60,000.00	15,000.00
Other Expenses	4,595.00	1,148.75
Ethics Commission		
Salary & Wages		
Other Expenses	2,500.00	625.00
Township Council (21)		
Salary & Wages	18,000.00	4,500.00
Other Expenses	1,000.00	250.00

Municipal Clerk (20)		
Salary & Wages	188,000.00	47,000.00
Other Expenses	54,890.00	13,722.50
Finance		
Salary & Wages	242,000.00	60,500.00
Other Expenses	22,665.00	5,666.25
Annual Audit	50,000.00	0.00
Central Computer Services		
Salary & Wages	85,500.00	21,375.00
Other Expenses	42,565.00	10,641.25
Tax Collector		
Salary & Wages	152,000.00	38,000.00
Other Expenses	34,250.00	8,562.50
Tax Assessor		
Salary & Wages	150,000.00	37,500.00
Other Expenses	94,800.00	23,700.00
Legal Services		
Other Expenses	305,000.00	76,250.00
Engineering Services		
Salary & Wages	220,000.00	55,000.00
Other Expenses	150,390.00	37,597.50
Economic Development		
Salary & Wages	2,000.00	500.00
Other Expenses	10,000.00	2,500.00
Grant Administration		
Salary & Wages		
Other Expenses	12,000.00	3,000.00
Cable Studio		
Salary & Wages		
Other Expenses	32,200.00	8,050.00
Inter- Governmental Relations		
Other Expenses	1,000.00	250.00
Homeland Security		
Salary & Wages		
Other Expenses	28,500.00	7,125.00
Historic Sites Commission		
Other Expenses	1,000.00	250.00

Planning Board		
Salary & Wages	63,000.00	15,750.00
Other Expenses	64,205.00	16,051.25
Planning Board Contractual		
Other Expenses	93,525.00	23,381.25
Zoning Board		
Salary & Wages	152,000.00	38,000.00
Other Expenses	43,050.00	10,762.50
Liability Insurance	470,000.00	282,000.00
Workers Comp	570,000.00	342,000.00
Group Insurance	2,457,390.00	614,347.50
Unemployment Insurance	25,000.00	0.00
Police		
Salary & Wages	8,280,000.00	2,070,000.00
Other Expenses	339,000.00	84,750.00
Crime Prevention		
Other Expenses	20,700.00	5,175.00
School Educational Programs		
Other Expenses	13,900.00	3,475.00
Highway Safety		
Other Expenses	21,900.00	5,475.00
Emergency Management		
Salary & Wages	23,000.00	5,750.00
Other Expenses	16,500.00	4,125.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	157,000.00	39,250.00
Other Expenses	14,805.00	3,701.25
Municipal Prosecutors Office		
Salary & Wages	33,000.00	8,250.00
Streets and Road Maint		
Salary & Wages	1,425,000.00	356,250.00
Other Expenses	45,685.00	11,421.25
Snow Removal		
Salary & Wages	100,000.00	100,000.00
Other Expenses	770,190.00	500,000.00

Public Works - Other		
Salary & Wages	343,000.00	85,750.00
Other Expenses	66,020.00	16,505.00
Shade Tree Commission		
Salary & Wages		
Other Expenses	2,000.00	500.00
Solid Waste Collection		
Salary & Wages	15,350.00	3,837.50
Other Expenses	748,300.00	187,075.00
Buildings & Grounds		
Salary & Wages	438,000.00	109,500.00
Other Expenses	202,140.00	50,535.00
Vehicle Maintenance		
Salary & Wages	412,000.00	103,000.00
Other Expenses	129,800.00	32,450.00
Community Services Act		
Other Expenses	62,100.00	0.00
Open space Committee		
Other Expenses	2,000.00	500.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	1,625.00
Other Expenses	1,985.00	496.25
Drug Abuse Control		
Salary & Wages	36,500.00	9,125.00
Other Expenses	7,550.00	1,887.50
Environmental Health Services		
Salary & Wages	2,000.00	500.00
Other Expenses	5,000.00	1,250.00
Animal Control Services		
Other Expenses	55,000.00	13,750.00
Recreation		
Salary & Wages	430,000.00	107,500.00
Other Expenses	126,940.00	31,735.00
Park Maintenance		
Salary & Wages	475,000.00	118,750.00
Other Expenses	45,600.00	11,400.00
Municipal Library		
Other Expenses	16,200.00	4,050.00

Prior Year Bills	94,000.00	23,500.00
Accumulated Leave Compensation	1,000.00	250.00
Postage		
Other Expenses	60,000.00	15,000.00
Electricity	427,200.00	106,800.00
Street Lighting	689,000.00	172,250.00
Telephone	165,000.00	41,250.00
Water	24,000.00	6,000.00
Natural Gas	95,000.00	23,750.00
Sewer	10,000.00	2,500.00
Gasoline	351,250.00	87,812.50
Landfill Disposal Costs	220,700.00	55,175.00
PERS	680,000.00	0.00
DCRP	500.00	0.00
FICA	1,050,000.00	0.00
Contingent	10,000.00	0.00
Municipal Court		
Salary & Wages	287,500.00	71,875.00
Other Expenses	125,140.00	31,285.00
Public Defender		
Salary & Wages	17,000.00	4,250.00
Other Expenses		
Affordable Housing		
Salary & Wages	2,000.00	500.00
Other Expenses	4,300.00	1,075.00
Police Dispatch 911		
Salary & Wages	665,000.00	166,250.00
Other Expenses	294,250.00	73,562.50
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	1,905,050.00	0.00
SFSP Fire District Payments		

Other Expenses	10,583.00	0.00
Clean Communities Act	24,134.34	0.00
Monmouth Drug & Alcohol Grant Share	28,547.00	7,136.75
Local Share	7,136.00	1,784.00
Recycling tonnage Grant	51,127.94	0.00
SmartGrowth Grant	5,000.00	0.00
NJ Forest Service	0.00	0.00
Body Armor Grant	1,625.00	2209.25
Click It or Ticket	4,000.00	0.00
NJ Forest Service Grant	6,967.00	0.00
Alcohol Rehab Grant	788.96	0.00
Note Principal	21,800.00	0.00
Bond Principal	1,518,000.00	0.00
Bond Anticipation Notes		
Bond Interest	498,500.00	0.00
Note Interest	269,685.00	0.00
Green Acres Trust - P & I	28,865.00	0.00
Capital Lease program Principal	287,000.00	0.00
Interest	31,053.80	0.00
Emergency Authorizations		
Deferred Charges	305,000.00	0.00
Reserve for Uncollected Taxes	2,000,000.00	0.00
Totals	33,687,413.04	6,922,570.00
SWIM UTILITY Appropriations		
Salary & Wages	450,000.00	112,500.00
Other Expenses	596,250.00	149,062.50

Capital Outlay	60,000.00	15,000.00
Payment of Bond Principal		0.00
Payment of Bond Anticipation Notes		0.00
Payment of Bond Interest		0.00
Payment of Note Principal		0.00
Public Employees Retirement System		0.00
FICA		0.00
Totals	1,106,250.00	276,562.50

WATER UTILITY
Appropriations

Salary & Wages	877,300.00	219,325.00
Other Expenses	4,858,177.00	1,214,544.25
Capital Improvement fund	250,000.00	0.00
Capital Outlay	250,000.00	62,500.00
Payment of Bond Principal	3,204,287.51	0.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	630,877.15	0.00
Payment of Note Principal		
Public Employees Retirement System	0.00	0.00
FICA	0.00	0.00
Surplus (General Budget)	5,450,000.00	0.00
Totals	15,520,641.66	1,496,369.25

RESOLUTION # 2011-37

RESOLUTION ESTABLISHING A CASH MANAGEMENT PLAN
AND NAMING OFFICIAL DEPOSITORIES
FOR THE TOWNSHIP OF MARLBORO FOR 2011

WHEREAS, N.J.S.A. 40A:5-14 mandates that a Governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, N.J.S.A 40A:5-15.1 amended by Chapter 148, P.L. 1997 established new requirements for the investment of public funds and adoption of a cash management plan for counties, municipalities and authorities; and

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth wish to comply with the above statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth adopts the following cash management plan, including the official depositories for the Township of Marlboro, County of Monmouth for the calendar year 2011.

CASH MANAGEMENT PLAN OF THE
TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH
CALENDAR YEAR 2011

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Township of Marlboro, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A. The plan is intended to cover all deposits and/or all investments of the following funds of the Township of Marlboro. Two authorized signatories are required for disbursements made by check or warrant that shall include the Mayor's signature or facsimile as one endorsement. The second signature to be included is the Chief Financial Officer or in their absence the Business Administrator for the following accounts:

- (1) Current Fund
 - a. Current
 - b. Grant Fund
 - c. Payroll
 - d. Payroll Agency Account
 - e. Investment Accounts
- (2) Trust Funds
 - f. Performance Bond
 - g. Planning Board Escrow
 - h. Zoning Board Escrow
 - i. Engineering Inspection Escrow
 - j. Fire Safety Trust
 - k. Law Enforcement Trust
 - l. Mt. Laurel Trust
 - m. Storm Water Management Trust
 - n. Recreation Trust
 - o. Open Space Trust Fund Accounts
 - p. Trust Other
 - Police Outside Employment
 - Bid/Performance
 - Road Opening Permits
 - Marlboro Knolls
 - School Road East & Route 79
 - Insurance Reimbursement
 - Police Recovered Property
 - Shade Tree
 - Marlboro Knolls
 - Third Party Tax Title Liens
 - Tax Premiums
 - Bail Refund
 - Public Defender
 - POAA
 - Tree Bank
 - High Pointe
 - 9/11 Memorial Fund
 - Snow Removal
 - Uniform Construction Code
- (3) General Capital
- (4) Pool Utility
 - a. Operating
 - b. Capital
- (5) Water Utility
 - a. Operating
 - b. Capital

- B. It is understood that this Plan is not intended to cover certain funds and accounts of the Township of Marlboro, specifically:
- a. Municipal Court-Authorized Signatory, Court Clerk and Municipal Judge

- i. Court Account
- ii. Bail Account

- C. For disbursements related to payroll tax withholding, the Township Council may authorize the use of a servicer to take possession of local unit funds and execute the disbursements of the Township to the taxing authorities. Tasks to be performed by the servicer may include report preparation, calculation of withholding and direct deposit of payroll disbursements.
- D. The Chief Financial Officer is designated the "approval officer" responsible for authorizing and supervising the activities of the servicer. In cases where the servicer takes possession of local unit funds for the payment of payroll claims, the approval officer is charged with ensuring that payments are made on a timely basis by regularly securing third party confirmation of such.

III. DESIGNATION OF OFFICIALS OF THE TOWNSHIP OF MARLBORO AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Chief Financial Officer (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Township of Marlboro are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

The Chief Financial Officer is further authorized to make interfund transfers between the Township Funds as may be necessary from time to time. The Chief Financial Officer or his or her designee is authorized to make such transfers and/or any and all payments by wire transfer as necessary.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

Amboy National Bank
Bankers Trust Co. (Wire agent for NJ Cash Management)
Capital One
Chase Bank
Columbia Bank
Community Bank
Depository Trust Company
Wachovia Bank, N.A., N.J.
Wells Fargo Bank
First Washington Bank
Hudson United Bank
Investors Savings Bank
Merrill Lynch
MBIA-Class Management Unit Trust
NJ Asset & Rebate Program (NJ ARM)
NJ Cash Management Fund
Ocean First Bank
Peapack-Gladstone Bank
PNC Bank
Provident Savings
SI Bank & Trust
Sovereign Bank
Sun National Bank
TD North
Trust Company of New Jersey
United National Bank
Unity Bank
US Bank
Valley National Bank

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

IV. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Township of Marlboro referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official (s) referred to in Section III above.

A H Williams & Company
CIDC Oppenheimer & Co.

Chase Manhattan Bank
Commerce Capital
Dean Witter Custodian for NJ Cash Management
Depository Trust Company
E. A. Moos & Company
Fleet Securities
First Union Bank
Ocean First Bank
PNC Capital Markets
Prudential Securities
Summit Bank

VI. DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S.A. 40A:5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes, regulating such funds. Payroll, Developer's Escrow, Engineering Escrow and Performance Bond deposits and other agency funds, which represent funds of individuals and other organizations held by the Township shall be deposited in interest bearing checking account unless applicable State statutes direct otherwise. Grant funds shall be deposited in accordance with the regulations of the granting government or agency.

Where compensating balances are required by any designated depository to offset the cost of services provided an agreement between the Township and the depository shall be executed, specifying the charge for each service and the balance required to offset each charge. Said agreement shall be reviewed on an annual basis.

VII. AUTHORIZED INVESTMENTS

- A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:
- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
 - (2) Government money market mutual funds;

- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Township or bonds or other obligations of the school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977,c.281 (C.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) The underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a:
 - (b) The custody of collateral is transferred to a third party;
 - (c) The maturity of the agreement is not more than 30 days;
 - (d) The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:19-41); and
 - (e) A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "governmental money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund

An investment company or investment trust:

- (a) Which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.

- (b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) Which has:
 - (1) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (2) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940," 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool.

An investment pool:

- (a) Which is managed in accordance with 17 C.F.R. sec 270.2a-7;
- (b) Which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- (e) Which does not permit investments in instruments that: are subject to high price volatility with changing market

- conditions; cannot reasonably be expected at the time of interest rate adjustment, to have a market value that approximates their par value, or net asset value; and
- (f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in the U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

VIII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Township of Marlboro, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township of Marlboro to assure that there is no unauthorized use of the funds or the Permitted Investments that involve Securities shall be executed by a "delivery versus payment" method to Marlboro or by a third party custodian prior to or upon the release of the Township of Marlboro's funds.

To assure that all parties with whom the Township of Marlboro deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in the Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing,

a copy of which shall be on file with the Designated Official(s).

IX. DISBURSEMENT OF FUNDS

All funds shall be disbursed as authorized and directed in accordance with statutory provision established by Municipal Code, section 4-54. The Chief Financial Officer shall, at the beginning of the fiscal year, present to the Township Council a schedule of debt service principal and interest payments and when available, a schedule of School Tax payments for the upcoming fiscal year. Upon review of the schedules of payments by the Township Council, the Chief Financial Officer shall then have the authority to make the following disbursements:

District & Regional School Taxes
County Taxes
Fire Districts
Inter-funds
Purchase of Investments
Debt Service
Salaries & Wages
Postage
Petty Cash Reimbursements
Payroll Withholdings - Taxes, Dues Deferred Compensation, Bonds, Garnishments and Pension

X. PETTY CASH FUND

Reimbursements for expenditures through the Petty Cash Fund shall be made within the limits approved by the Director of the Division of Local Government Services. The Petty Cash Fund shall be maintained in accordance with N.J.S.A. 40A:5-21. Petty Cash Funds shall be maintained in the following amounts:

Chief Financial Officer	\$ 200.00
Director of Recreation	\$ 1,500.00

XI. BONDING

The following officials shall be covered by surety bonds: said surety bonds to be examined by the independent auditor to insure their proper execution:

Tax Collector
Chief Financial Officer
Court Clerk
Judges

XII. COMPLIANCE

The Cash Management Plan of the Township of Marlboro shall be subject to the approval of the Township Attorney, and shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

As stated in N.J.S.A. 40A:5-14, the official(s) charged with the custody of Township funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any designated depository.

If at any time, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or and department thereof, the applicable State regulations shall apply.

XIII. REPORTING REQUIREMENTS

By the tenth day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Township a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The Name of any institution holding funds of the Township as a Deposit or a Permitted Investment.
- B. The Amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Township

XIV. FIRE DISTRICT QUARTERLY LEVY INSTALLMENTS

In accordance with N.J.S.A. 40A:14-79, Fire District annual levy payments are due in quarterly installments every: April 1st - 21.25%, July 1st - 22.5%, October 1st - 25% with the remaining balance due on or before December 31st. Upon request of the Marlboro Township Fire District(s), quarterly levy installments may be made in four equal installments at 25% each.

XV. TERM OF PLAN

This Plan shall be in effect from January 1, 2011 to December 31, 2011. The Plan may be amended from time to time. To the extent that the Council adopts any amendment, the Designated Official(s) is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan. The amendment shall be acknowledged in writing in the same manner, as the original Plan was so acknowledged.

RESOLUTION # 2011-38

RESOLUTION AUTHORIZING PETTY CASH
FUND FOR CALENDAR YEAR 2011

WHEREAS, in accordance with N.J.S.A. 40A:5-21 "A local unit may establish a petty cash fund upon written application to and after approval by the Director. All matters relating to the establishment, accounting, repayment and discontinuance of such funds shall be in the discretion of the Director, who shall promulgate reasonable rules and regulation in respect thereto."

WHEREAS, regulations require all petty cash funds be returned to the Local Unit's Chief Financial Officer prior to December 31st of each year to be re-established by subsequent resolution on or after January 1st of the following year.

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

1. That the Township Council authorizes continuation of Petty Cash funds for immediate needs. By virtue of this resolution, a petition is filed to of Division of Local Government Service to reestablish a petty cash funds consistent with prior years levels at:

<u>DEPARTMENT</u>	<u>2010 LEVEL</u>	<u>2011 REQUEST</u>
FINANCE	\$ 200.00	\$ 200.00
RECREATION	\$ 1,500.00	\$ 1,500.00

2. That certified copies of this resolution be provided to the Director of the Local Government Services, Business Administrator, Chief Financial Officer, Auditor and any other interested parties.

RESOLUTION # 2011-39

A RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR
TO EXECUTE CONTRACTS UP TO \$17,500

WHEREAS, N.J.S.A. 40A:11-3, included within the Local Public Contracts Law, permits the Township Council to adopt a resolution authorizing the designated purchasing agent of the Township to award contracts up to the bid threshold of \$17,500.00 without going through the public bidding process and without prior approval of the Township Council; and

WHEREAS, in accordance with that provision, the Township Council is desirous of authorizing the Business Administrator to execute and approve any and all contracts of up to \$17,500.00; and

WHEREAS, when awarding such contracts, the Business Administrator shall be obligated to adhere to all applicable provisions of the Local Public Contracts Law, including N.J.S.A. 40A:11-6.1 requiring that, if practicable, at least two competitive quotations must be solicited for all contracts that are less than the bid threshold, but 15% or more of that amount; and

WHEREAS, the Township Council believes that providing such authorization to the Business Administrator will allow the business of the Township to proceed in the most efficient manner, while at the same time, allowing the Business Administrator to ensure that the process by which all contracts under \$17,500.00 are awarded complies with the applicable requirements and the intent of the Local Public Contracts Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro in the County of Monmouth that the Business Administrator, is hereby authorized to execute and approve any and all contracts up to \$17,500.00; and

BE IT FURTHER RESOLVED that the Business Administrator, when awarding such contracts, is obligated to adhere to all applicable provisions of the Local Public Contracts Law, including N.J.S.A. 40A:11-6.1 requiring that, if practicable, at least two competitive quotations must be solicited for all contracts that are less than the bid threshold, but 15% or more of that amount; and

BE IT FURTHER RESOLVED that the Business Administrator, is authorized, in accordance with N.J.S.A. 40A:11-6.1, to award contracts that are less than 15% of the bid threshold without soliciting competitive quotations; and

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

- a. Business Administrator
- b. Township Chief Financial Officer
- c. Louis Rainone, Esq.

RESOLUTION # 2011-40

RESOLUTION AUTHORIZING THE TAX ASSESSOR
TO PERFORM VARIOUS DUTIES ASSOCIATED
WITH HIS POSITION

WHEREAS, statutory provision is made for the review and correction of errors by the local Tax Assessor prior to certification of an assessment list; and

WHEREAS, statutory provision is also made for the discovery and correction of errors by the local Tax Assessor during the establishment of the tax rate; and

WHEREAS, changes in the property ownership at times necessitates adjustments in the Veterans and/or Senior Citizen deductions allowed on the assessment list; and

WHEREAS, responsibility for maintenance and correction of the assessment list rests with the local Tax Assessor subject to laws and regulations; and

WHEREAS, in certain instances outlined in N.J.S.A. 54:3-21, taxpayers and taxing districts are authorized to file appeals to the county board of taxation or, if the statutory requirements are satisfied, to file a complaint directly with the Tax Court; and

WHEREAS, in the case of an appeal or complaint filed by a taxpayer, the taxing district may file a cross petition of appeal or counterclaim; and

WHEREAS, the Township Council now desires to authorize the Tax Assessor to perform certain duties associated with his position.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, in addition to those powers given to the Tax Assessor by statute, the Tax Assessor may authorize the filing with the Monmouth County Board of Taxation or Tax Court such appeals or complaints as may be necessary to maintain the accuracy and equality in the assessment list of the Township of Marlboro, in accordance with the procedures set forth by the applicable statutory provisions and/or approved by the New Jersey Division of Taxation and/or the New Jersey Attorney General's Office; and

BE IT FURTHER RESOLVED that the Tax Assessor is hereby authorized to file complaints on behalf of the Township of Marlboro based upon farmland and rollback procedures; and

BE IT FURTHER RESOLVED that, with respect to appeals or complaints filed by a taxpayer with the Monmouth County Board of Taxation or Tax Court, the Tax Assessor may authorize the filing of cross petitions of appeal and counterclaims; and

BE IT FURTHER RESOLVED that the Tax Assessor is authorized to negotiate settlements of appeals or complaints filed with the Monmouth County Board of Taxation or the Tax Court and to authorize settlements of such appeals without obtaining the Township Council's approval in the event the settlement involves \$17,500 or less per parcel per tax year on behalf of the Township of Marlboro.

Council President Marder opened the Public Hearing on Ord. #2010-32 (Establishing Chapter 236 - Motion Picture Filming). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2011-41/Ordinance #2010-32 was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-41

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

ORDINANCE # 2010-32

AN ORDINANCE ESTABLISHING CHAPTER 236 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "MOTION PICTURE FILMING"

which was introduced on December 20, 2010, public hearing held January 6, 2011, be adopted on second and final reading this 6th day of January, 2011.

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

Council President Marder opened the Public Hearing on Ord. #2010-33 (Establishing OPRA Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2011-42/Ordinance #2010-33 was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-42

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

ORDINANCE # 2010-33

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171, "FEES", ARTICLE I, "PUBLIC RECORDS", SECTION 171-3, "FEES FOR COPIES OF PUBLIC RECORDS FROM MUNICIPAL CLERK", OF THE CODE OF THE TOWNSHIP OF MARLBORO, TO REVISE THE ALLOWABLE FEES FOR COPIES OF PUBLIC RECORDS

which was introduced on December 20, 2010, public hearing held January 6, 2011, be adopted on second and final reading this 6th day of January, 2011.

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

Council Vice President Cantor asked for clarification from Louis Rainone, Esq. on whether he should recuse himself from the vote. Mr. Rainone responded that it was not necessary. The following Resolution #2010-43/Ordinance #2011-1 (Amending Certain Licensing & Permitting Fees - Land Use) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-43

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

ORDINANCE # 2011-1

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES FOR THE LAND USE AND DEVELOPMENT, UNIFORM CONSTRUCTION CODE AND STREETS AND SIDEWALKS CHAPTERS OF THE CODE OF THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on January 20, 2011 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2011-1

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES FOR THE LAND USE AND DEVELOPMENT, UNIFORM CONSTRUCTION CODE AND STREETS AND SIDEWALKS CHAPTERS OF THE CODE OF THE TOWNSHIP OF MARLBORO

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code be and are hereby amended and supplemented to increase the fees for licensing and permitting as follows:

SPECIFIC PROVISION	CODE LOCATION	TYPE OF FEE, CHARGE OR RATE	FEE
General Zoning Permit Fee	220	Zoning/Permit Fee	\$45.00
	Land Use Fee Schedule A Attachment 6	Zoning permit-6 Retaining Walls	\$75.00 per 50 linear foot of wall
		Zoning permit-7 Patios/Decorative Walls	\$100.00 per item
Off-Street Parking	220-169(A)(10)	Driveway Inspection	\$100.00

New Driveway and Driveway Additions

Grading/Clearing	220-126(F)(3)	Grading and Clearing Permit	\$50.00 per 5000 s.f.
Pool Plan Review/ Inspections	220-42	Review Fee	\$200.00
		Inspection Fee	\$200.00
		Review/Reinspection	\$100.00

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Chapter 278 entitled "Fees for Certificate of Continued Occupancy" is hereby amended and supplemented as follows:

1. Section 278-3. Certificate for a single-family dwelling unit or commercial property is amended to provide that the fee for a Certificate of Continued Occupancy ("CCO") shall be One Hundred (\$100.00) Dollars and the fee for reinspections for the issuance of a Certificate of Continued Occupancy shall be seventy-five (\$75.00) Dollars per reinspection.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Chapter 125, Section 3 entitled "Fees" is hereby amended and supplemented as follows:

1. Section 125-3(A)(6) Fee. Temporary Certificates of Occupancy ("TCO") may be issued for both residential and commercial structures upon payment of a fee of Thirty (\$30.00) Dollars each and compliance with the requirements of the Construction Official.

2. Section 125-3(A)(7) Fee. Additional fees is amended to provide new subsection (g) A Change of Contractor Review Fee of Sixty-Five (\$65.00) Dollars per discipline will be charged for each change of contractor permit and new subsection (h) Security Cameras - a fee of Sixty-Five (\$65.00) Dollars for up to a total of ten (10) security cameras and an additional fee of Sixty-Five (\$65.00) Dollars for each ten (10) additional cameras thereafter.

3. Section 125-7. Partial Exemptions From Fees is hereby added. Charitable, philanthropic, fraternal, athletic, recreational and religious non-profit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. 501(c) or (d)) shall be eligible for a refund of (50%) percent of the Uniform Construction Code ("UCC") fees set forth in Section 125-3A(1) "Alterations, repairs, and remodeling" paid since

October 1, 2010 excluding the Surcharge Fee to the New Jersey Department of Community Affairs provided for in Section 125-5 upon receipt of satisfactory proof of qualifications. This section providing for partial exemption from the U.C.C. fees for qualified religious, charitable and non-profit organizations shall expire on December 31, 2011 unless further extended by formal action of the Township Council.

BE IT FURTHER ORDAINED, that Chapter 326, Streets and Sidewalks of the Code of the Township of Marlboro is hereby amended and supplemented as follows:

1. Section 326-2, entitled "Procedure for Obtaining Permit" is amended and supplemented with new Section 326-2(C)(2) to provide an inspection fee of Seventy-Five (\$75.00) Dollars per opening for each curb/apron provided for in the road opening permit.

2. New Section 326-10 entitled "Sidewalk Replacement Permit Fee" is hereby added which provides that a permit shall be required for all sidewalk replacements. The fee for such Sidewalk Replacement Permit shall be Fifty (\$50.00) Dollars per 100 square feet of sidewalk to be installed.

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

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

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

The following Resolution #2011-44 (Reject and Rebid - Union Hill Cell Tower) was introduced by reference, offered by Councilman LaRocca, seconded by Council President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-44

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS
FOR LEASE SPACE AT THE 108 FOOT AND 118 FOOT
HEIGHT ELEVATIONS ON THE TOWNSHIP OWNED WIRELESS
TELECOMMUNICATIONS MONOPOLE FOR CO-LOCATION OF
CELLULAR ANTENNAS

WHEREAS, on December 14, 2010, bids were opened for lease space on the Township owned wireless telecommunications monopole for co-location of cellular antennas; and

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2(a), failure to submit a guarantee at the time specified by the contracting unit for the receipt of bids shall be deemed a fatal defect that shall render the bid proposal unresponsive; and

WHEREAS, the sole proposal received from New Cingular Wireless PCS, LLC ("AT&T") did not contain the requested bid guarantee making it unresponsive.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for lease space on the Township owned wireless telecommunications monopole are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a).

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

The following Resolution #2011-45 (Authorizing Sale of Plenary Retail Dist. License) was introduced by reference, offered by Councilman Metzger and seconded by Council President Marder. Discussion followed, during which Council agreed that the minimum bid should be \$500,000 and the resolution was filled in accordingly. The resolution was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-45

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING
THE ISSUANCE OF ONE (1) ADDITIONAL PLENARY
RETAIL DISTRIBUTION LICENSE

WHEREAS, pursuant to N.J.S.A. 33:1-12.14, a municipality is permitted to issue new plenary retail

distribution licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the information from the 2000 federal census counts, the Township of Marlboro has a population of 36,398; and

WHEREAS, in light of the such census information, the Township of Marlboro is permitted to issue up to four (4) plenary retail distribution licenses, and three (3) have been issued; and

WHEREAS, the Mayor and Township Council, having considered the same, desire to authorize the issuance of one (1) additional plenary retail distribution license and the advertisement for the receipt of sealed bids therefor as set forth hereinbelow.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that the issuance of one (1) plenary retail distribution license and the advertisement for the receipt of sealed bid(s) therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*; and

BE IT FURTHER RESOLVED, that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid plenary retail distribution license.

BE IT FURTHER RESOLVED, that the following requirements and conditions must be met by any and all prospective bidders:

1. Only the bids of bidders qualified to have an interest in a plenary retail distribution license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10 AM on January 25, 2011, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

- (a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$1,285.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an

administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a plenary retail distribution license in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$50,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail distribution license is \$500,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 10 AM. on January 25, 2011 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

(a) "2011 Liquor Distribution License bid"; and

(b) Name of the Bidder.

5. At 3:00 P.M. on January 25, 2011, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders on 10 AM on January 26, 2011 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

7. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the

license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" by April 18, 2011. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the annual municipal plenary retail distribution license fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the plenary retail distribution license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

8. The Township hereby reserves the right to reject all bids when the highest qualified bid is not accepted.

9. The sale of the plenary retail distribution license may be postponed or canceled at any time prior to the opening of the bids.

10. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2.1 et seq.*, including, but not limited to, publication of the Notice of Application.

11. If no new plenary retail distribution license has been issued pursuant to this Resolution by June 30, 2011, no new plenary retail distribution license shall thereafter be issued without a further Resolution of the Township Council determining to issue a new plenary retail distribution license.

BE IT FURTHER RESOLVED, that notice of the public sale of the plenary retail distribution license shall be in conformance with *N.J.S.A. 33:1-19.4*; and

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-46 (Acceptance of New Lot Designations - Municipal Complex) was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-46

RESOLUTION CONFIRMING ACCEPTANCE OF NEW LOT DESIGNATIONS AT MUNICIPAL COMPLEX (BLOCK 253, EXISTING LOTS 35, 36, 36.01 and 37) IN THE TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, there is a need to reconfigure certain lot lines in order to comply with New Jersey Green Acres requirements and clearly delineate those portions of the Municipal Complex covered by Green Acres restrictions; and

WHEREAS, the Township has prepared a revised map (attached) in accordance with Green Acres requirements; and

WHEREAS, New Jersey Green Acres has expressed its approval of the revised map.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Marlboro formally accepts the new lot designations as contained on the attached map.

BE IT FURTHER RESOLVED that the Tax Assessor and Township Engineer are hereby instructed to take the appropriate steps to revise these lot lines in accordance the attached map.

*Attached material on file in Clerk's office.

The following Resolution #2011-47 (Authorizing Recertification application - Tree City USA) was introduced by reference, offered by Council President

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

RESOLUTION # 2011-47

RESOLUTION AUTHORIZING AN APPLICATION TO THE
ARBOR DAY FOUNDATION FOR RECERTIFICATION OF
MARLBORO TOWNSHIP'S TREE CITY USA STATUS

WHEREAS, in 2010 Marlboro Township was certified as a Tree City by the Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters; and

WHEREAS, the Township of Marlboro Shade Tree Committee desires to apply for recertification of Marlboro Township's Tree City USA title.

BE IT THEREFORE RESOLVED, that the Township Council of the Township of Marlboro does hereby authorize the Shade Tree Committee and Business Administrator to apply for the recertification.

The following Resolution #2011-48 (Purchase of Deicing Material - Mon. County Purchasing) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor. Councilman Vice President Cantor and Councilman Metzger commented on the favorable pricing.

RESOLUTION # 2011-48_

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF
DE-ICING MATERIAL (SODIUM CHLORIDE) THROUGH BIDS OBTAINED
BY THE MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Marlboro Township Public Works Department has recommended that the Township purchase de-icing material (sodium chloride) for use by the Township through the use of bids obtained by the Monmouth County Cooperative Purchasing Program; and

WHEREAS, the Township is authorized to purchase de-icing material (sodium chloride) from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a

contract to International Salt Company of Clarks Summit, PA, for the provision of de-icing material (sodium chloride) at a price of \$54.60 per ton; and

WHEREAS, the Public Works Department has indicated that International Salt Company has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase de-icing material (sodium chloride); and

WHEREAS, funds will be made available for this purpose in the 2011 Municipal Budget; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of 2,400 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$54.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$131,040.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 2,400 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$54.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$131,040.00; and

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

- a. International Salt Company, Clarks Summit, PA
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-49 (Authorizing Contract Appraisal Services - Sholk) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-49

A RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT BETWEEN BETTINA
DURMASKIN SHOLK AND THE TOWNSHIP OF MARLBORO FOR
VARIOUS APPRAISAL SERVICES

WHEREAS, the Township requires real estate appraisal services in connection with the acquisition of certain parcels, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 27, 2010 (the "Proposal") from BETTINA DURMASKIN SHOLK (the "Business Entity") in response to a Request for Qualifications for appraisal services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds are available for this purpose in account #T-15-56-859-815; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to BETTINA DURMASKIN SHOLK pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 27, 2010, a copy of which is attached hereto, in an amount not to exceed \$7,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Bettina Durmaskin Sholk
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-50 (Raffle License Solomon Schechter Day School) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-50

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL #: 01-2011 be and it is hereby granted to Solomon Schechter Day School of Greater Monmouth County, 22 School Road East, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle (On premise 50/50) will be held on February 5, 2011 from 7PM to 11PM at Solomon Schechter Day School, 22 School Road East, Marlboro, New Jersey 07746.

At 8:10 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: March 3, 2011

OFFERED BY: Mazzola	AYES: 4
SECONDED BY: La Rocca	NAYS: 0
	ABSENT: Metzger

ALIDA MANCO
MUNICIPAL CLERK

RANDI MARDER
COUNCIL PRESIDENT