

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 17, 2012

The Marlboro Township Council held its regularly scheduled meeting on May 17, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; 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 children present in the audience led the salute to the flag.

The Clerk called the Roll.

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

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

Council President Cantor opened the Public Hearing on the FY 13 Community Development Block Grant Application. Business Administrator Jonathan Capp described the project. He stated that the project applied for will be an ADA Improvements Project at the Municipal Complex. The project will include the following: replace the exterior chair lift that provides ADA access to the basement of the Senior Center /Recreation Building; replace the ADA automatic doors within the vestibule, interior and exterior, at the Senior Center/Recreation Building; and replace the ADA automatic doors within the vestibule at the Library Building. As there was no one who wished to speak, the Public Hearing was closed. Councilmembers voiced their approval for the project.

Council President Cantor opened the Public Hearing on Ord. #2012-11 (Appropriating \$5,275,000 from Affordable Housing Trust Fund for Acquisition of Property - 139 Route 9 - Marlboro Motor Lodge). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2012-204/Ord. #2012-11 was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-204

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

ORDINANCE # 2012-11

AN ORDINANCE APPROPRIATING \$5,275,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 137 ROUTE 9 IN THE TOWNSHIP OF MARLBORO KNOWN AS THE MARLBORO MOTOR LODGE PROPERTY

which was introduced on May 3, 2012, public hearing held May 17, 2012, be adopted on second and final reading this 17th day of May, 2012.

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

Council President Cantor opened the Public Hearing on Ord. #2012-12 (Appropriating \$424,000 from Affordable Housing Trust Fund for Rebuilding and Replacement of Leach Fields at Hamilton Park). After the Public Hearing was held and closed, the following Res. #2012-205/Ord. #2012-12 was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-205

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

ORDINANCE # 2012-12

AN ORDINANCE APPROPRIATING \$424,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK

which was introduced on May 3, 2012, public hearing held May 17, 2012, be adopted on second and final reading this 17th day of May, 2012.

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

Council President Cantor opened the Public Hearing on Ord. #2012-13 (Appropriating \$1,456,000 from Affordable Housing Trust Fund - Owner Occupied and Rental Housing Rehabilitation Program). After the Public Hearing was held and closed, the following Res. #2012-206/Ord. #2012-13 was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-206

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

ORDINANCE # 2012-13

AN ORDINANCE APPROPRIATING \$1,456,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE OWNER OCCUPIED AND RENTAL HOUSING REHABILITATION PROGRAM IN THE TOWNSHIP OF MARLBORO

which was introduced on May 3, 2012, public hearing held May 17, 2012, be adopted on second and final reading this 17th day of May, 2012.

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

The following Resolution #2012-207/Ordinance #2012-14 (Amend Chapter 190 - Games of Chance) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-207

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

ORDINANCE # 2012-14

AN ORDINANCE AMENDING CHAPTER 190 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "GAMES OF CHANCE" TO DESIGNATE THE MUNICIPAL CLERK AS THE ISSUING AUTHORITY

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 June 7, 2012 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-14

AN ORDINANCE AMENDING CHAPTER 190 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "GAMES OF CHANCE" TO DESIGNATE THE MUNICIPAL CLERK AS THE ISSUING AUTHORITY

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 190 of the Code of the Township of Marlboro entitled "Games of Chance" is hereby amended to add a new section 190-2, Process, as follows:

190-2 Process

The Municipal Clerk is hereby delegated the authority to act as the issuing authority for the purpose of approving the granting of raffle and bingo licenses.

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 #2012-208/Ordinance #2012-15 (Amend Section 4-100 - Youth Exchange Committee) was introduced by

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

RESOLUTION # 2012-208

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

ORDINANCE # 2012-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, ARTICLE XIX, AGENCIES AND BOARDS, SECTION 4-100, YOUTH EXCHANGE ADVISORY COMMITTEE, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE WUJIANG, CHINA AND OTHER CITIES OR REGIONS DESIGNATED BY THE MAYOR AND TOWNSHIP COUNCIL

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 June 7, 2012 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, ARTICLE XIX, AGENCIES AND BOARDS, SECTION 4-100, YOUTH EXCHANGE ADVISORY COMMITTEE, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE WUJIANG, CHINA AND OTHER CITIES OR REGIONS DESIGNATED BY THE MAYOR AND TOWNSHIP COUNCIL

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 4, Administration Of Government, Article XIX, Agencies and Boards, Section 4-100, Youth Exchange Advisory Committee, of the Code of the Township of Marlboro to include Wujiang, China and other cities or regions designated by the Mayor and Township Council, as Follows:

§4-100. Youth Advisory Exchange Advisory Committee

A. Establishment of the Youth Exchange Advisory Committee. The Youth Exchange Advisory Committee of the Township of Marlboro is hereby established as a special committee of the Township Council and shall be funded accordingly.

B. Purpose. The Youth Exchange Advisory Committee shall undertake the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and the Nanto City, Toyama Prefecture, Japan, Wujiang, China and other cities or regions designated by the Mayor and Township Council.

C. Membership; organization; terms.

(1) The Youth Exchange Advisory Committee shall consist of up to but not more than 14 members appointed by the Township Council.

(2) The members of the Youth Exchange Advisory Committee shall include the Mayor, or his designee, who shall be a permanent member of the Youth Exchange Advisory Committee during the term of the Mayor's office.

(3) The members of the Youth Exchange Advisory Committee shall serve without compensation.

(4) The Township Council shall designate one of the members to serve as Chair and presiding officer of the Youth Exchange Advisory Committee. The Chair shall serve for a term of one year.

(5) The terms of office of the first Youth Exchange Advisory Committee members shall be for one, two and three years, as designated by the Township Council in making said appointments. Thereafter, the members' successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The first members of the Youth Exchange Advisory Committee shall be appointed for the following terms:

(a) Three members for the term expiring December 31, 2013.

(b) Four members for the term expiring December 31, 2014.

(c) Four members for the term expiring December 31, 2015.

(d) Three members for terms expiring on December 31, 2016

(6) A vacancy in the Youth Exchange Advisory Committee occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

(7) A Quorum of the Youth Exchange Advisory Committee shall consist of a majority of the duly appointed and qualified members.

D. Duties. The Youth Exchange Advisory Committee is established to administer, plan and manage the Youth Exchange Program established by the sister agreement with the Town of Nanto City in Japan, Wujiang, China and other cities or regions designated by the Mayor and Township Council. A subcommittee will be formed for each sister city whose focus will be exclusively the planning and execution of the exchange of students with that sister city. The Youth Exchange Advisory Committee will be responsible for the oversight and coordination of rules, funding and joint activities of the subcommittees.

E. Limitations. The Youth Exchange Advisory Committee shall be a strictly advisory body with no power to regulate or promulgate rules and regulations. The Youth Exchange Advisory Committee members shall report to the Township Council on a regular basis regarding its activities.

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 on January 1, 2013 after and upon passage and publication in accordance with applicable law.

The following Resolution #2012-209/Ordinance #2012-16 (Amend Chapter 206 - Jewelry and Precious Metals) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilwoman Mazzola. After discussion, the resolution /ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-209

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

ORDINANCE # 2012-16

AN ORDINANCE AMENDING CHAPTER 206 OF THE
CODE OF THE TOWNSHIP OF MARLBORO ENTITLED
"JEWELRY, GEMS AND PRECIOUS METALS"

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 June 7, 2012 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-16

AN ORDINANCE AMENDING CHAPTER 206 OF THE
CODE OF THE TOWNSHIP OF MARLBORO ENTITLED
"JEWELRY, GEMS AND PRECIOUS METALS"

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Chapter 206 of the Code of the Township of Marlboro, entitled "JEWELRY, GEMS AND PRECIOUS METALS", is hereby deleted and replaced in its entirety with the following provisions:

Chapter 206, JEWELRY, GEMS AND PRECIOUS METALS

§ 206-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON -- Includes persons, firms, partnerships and corporations.

PRECIOUS METALS -- Gold, silver, platinum and alloys thereof and coins containing precious metals.

ADMINISTRATIVE HOLD - An order issued by a police officer, to hold on site, certain merchandise obtained through a transaction covered under this ordinance, and not to dispose of said property until a police investigation is completed and the property hold is released.

§ 206-2. License required.

No person shall engage in the business of purchasing precious metals or items composed of precious metals, gems and all forms of previously owned jewelry, either as a primary business or in connection with another business, without first having obtained a license from the Business Administrator.

§ 206-3. Application procedure.

A. An applicant for a license shall complete an application at the office of the Business Administrator, setting forth their name, date of birth, legal address, employment history, references and place of business and, in the case of a corporate applicant, the date and state of incorporation and principal office of the corporation and the names of the officers of the corporation. Any person who purchases precious metals, gems, and

all other forms of previously owned jewelry, as an employee of a licensed business, shall undergo the same background check as the holder of the license, and upon approval become an addendum to the license. The application shall include a waiver to be signed by the applicant, allowing the police to conduct a background investigation.

B. The Business Administrator shall thereupon refer such application to the Chief of Police, who shall conduct such investigation of the applicant, as he deems necessary for the protection of the public welfare. The background investigation shall include a criminal background check, which will be conducted by an approved vendor contracted by the state, to perform a criminal history search, based on fingerprint submissions, the cost of which will be borne by the applicant. Upon completion of the investigation, which in no event shall take more than 30 days without just cause, the Chief of Police shall return the application or a copy thereof to the Business Administrator, accompanied by his recommendation as to whether or not a license shall be issued or denied. If the recommendation of the Chief of Police is to deny the license, the grounds for such recommendation shall be stated.

C. Grounds for recommending denial of a license may include information indicating that the applicant is not of good moral character or is of questionable business responsibility. In no event shall a recommendation to grant a license be made if the applicant has been convicted of any crime involving dishonesty, fraud, deceit or misrepresentation.

D. Upon receipt of the recommendation of the Chief of Police, the Business Administrator shall issue or deny the license accordingly.

E. Any person aggrieved by such denial may appeal to the Township Council, which shall hold a public hearing in connection therewith within 30 days from said appeal, and the Council shall thereafter affirm or reverse the denial.

§ 206-4. Requirements at time of purchase.

All persons regulated by this chapter shall require of anyone offering to sell them merchandise regulated by this chapter to produce identification such as a photo driver's license, or other government issued photo identification. The licensee shall only purchase merchandise from an individual eighteen (18) years of age or older. They shall also sign and give to the seller a receipt for said merchandise and shall obtain from the seller the following information: the name, address, sex, date of birth, a driver's license number, or identification number from another form of government issued photo ID, along with a current telephone number. No person regulated by this chapter shall purchase any merchandise that he/she believes to be stolen or fraudulently obtained.

§ 206-5. Records.

All persons regulated by this chapter shall maintain a record of each purchase, which shall be electronically recorded at time of transaction, by utilizing a secure internet based computerized service, contracted by the Township of Marlboro. The contracted service will issue the licensee a permit number, allowing the licensee access to their internet based account and transaction entry screen.

All entry screens shall be filled out completely at the time of transaction, and contain the following information:

- A. Pre-programmed, name, address, and phone number of the licensed establishment
- B. Pre-programmed, Township issued license number of the buyer
- C. Electronically assigned transaction number- serialized by program
- D. Electronically assigned date and time of transaction
- E. Description of the item(s) to include each item entered separately):
 - 1. Type of item from drop down list (i.e. watch, bracelet, ring, necklace, etc..)
 - 2. Serial number (original or applied), if applicable.
 - 3. Weight in grams.
 - 4. Price paid to seller in dollars and cents (\$000.00)
 - 5. Description of item (i.e. gold box chain necklace, gold Movado watch, etc...)
- F. Name, address, date of birth, phone number, a driver's license number or other identifying number from other government issued photo ID.
- G. Digital color photographs, taken at time of transaction, of the seller (full facial) and the seller's identification (both clear and readable), as well as digital photos of the item(s) being purchased by the licensee. All purchased items must be laid out neatly and clearly in the photos, and must be taken with a minimum five megapixel camera. Like items can be photographed together neatly.
- H. The seller's signature or right index finger print, must be captured electronically at the time of transaction.
- I. A copy of the signed receipt shall be given to the seller detailing a full record of the transaction.

§ 206-6. Availability for inspection of transactional business records

All transactional records of merchandise purchased by each licensed business, shall be recorded and maintained by the contracted service, and shall be made available and accessible for inspection at any time, electronically via internet, or in person, by the Police Department of the Township of Marlboro. Each electronically recorded transaction shall be maintained by the contracted service for a period of five years from the date of the recorded purchase.

§ 206-7. Sale and disposal restrictions.

No person regulated by this chapter shall sell, melt down or otherwise dispose of any merchandise covered by this chapter purchased by him until after the expiration of 240 hours from the close of business on the date of purchase; provided, however, that no such waiting period shall be required if the merchandise is purchased from a person regularly engaged in the business of buying and selling precious metals and licensed and regulated pursuant to an ordinance of another municipality similar to this chapter and requiring a similar waiting period of not less than 240 hours.

Any merchandise regulated by this chapter, purchased by a licensed business, is subject to administrative hold by Marlboro Police, if said merchandise is under investigation as being stolen or fraudulently obtained. Said merchandise will be held by the licensed establishment, pending outcome of an investigation.

§ 206-8. Inspection.

Marlboro Township reserves the right to inspect any business establishment covered under this ordinance, as well as their transactional records, scales, and any equipment used in transactions covered under this ordinance. Inspections will be conducted by an agent of the Chief of Police. Marlboro Township Police reserve the right to inspect merchandise from any transaction covered under this ordinance. All transaction merchandise will be stored individually, and kept on site for immediate inspection during normal business hours, for the mandated 240 hours.

§ 206-9. Annual License fee.

The annual license application fee shall be \$500.00. This will cover the annual cost of the contracted on-line service, and administrative costs borne by the Township of Marlboro, to inspect and regulate the license holder and any authorized employees. Authorized employees of a licensed establishment, will be charged a one time application fee of \$100.00 to cover the cost of the background check.

§ 206-10. Revocation of License

Any business or person(s) licensed under this chapter are subject to have their license revoked for just cause. Just cause will include but not be limited to any act of dishonesty, fraud, deceit or misrepresentation, or failure to comply with any provision of this chapter. Notice of revocation proceedings will be served upon the license holder, and a hearing by the Township Business Administrator, will be scheduled within (30) thirty days of notice. Revocation can be in addition to, or in lieu of any penalties established under § 206-11.

§ 206-11. Violations and Penalties.

For a violation of any provisions of this chapter, the maximum penalty shall be as provided in § 4-3 of the Code. Every day that a violation under § 206-2 of this chapter shall continue and each violation of any other section of this chapter shall be deemed a separate violation.

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 #2012-210/Ordinance #2012-17 (Fees for Copies of Public Records) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-210

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

ORDINANCE # 2012-17

AN ORDINANCE AMENDING CHAPTER 171 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "FEES" TO AMEND SECTION 171-4, "FEES FOR COPIES OF PUBLIC RECORDS FROM MUNICIPAL PROSECUTOR AS PART OF DISCOVERY PROCESS"

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 June 7, 2012 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-17

AN ORDINANCE AMENDING CHAPTER 171 OF THE CODE OF
THE TOWNSHIP OF MARLBORO ENTITLED "FEES" TO AMEND
SECTION 171-4, "FEES FOR COPIES OF PUBLIC RECORDS
FROM MUNICIPAL PROSECUTOR AS PART OF DISCOVERY

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that chapter 171 of the Code of the Township of Marlboro entitled "Fees" Section 171-4, "Fees for Copies of Public Records From Municipal Prosecutor As Part of Discovery Process" is hereby amended as follows:

§ 171-4. Fees for copies of public records from Municipal Prosecutor as part of discovery process.

Copies of records may be purchased for the fee prescribed by law or regulation. If a fee is not prescribed by law or regulation, the fee shall be the actual cost of duplicating the record. In addition to applicable fees set forth in § 62-3, the following specific fees shall apply to requests for public records from the Municipal Prosecutor as part of the discovery process:

- A. There will be a fee of Five Dollars (\$5.00) for the first ten (10) pages of discovery provided. There will be an additional charge of One Dollar (\$1.00) per page for each additional page of discovery provided in excess of the first ten pages. These fees apply regardless of the method of delivery and receipt of the discovery provided (i.e. mail, electronic mail or in person).
- B. Photocopies of photographs: at the rates set forth above for pages. Photograph negatives for developing into another medium will be charged a fee for the actual costs of reproduction plus a Ten Dollar (\$10.00) administrative and handling fee.
- C. Duplication of any CD or DVD: \$30.00 per CD or DVD. CD(s) or DVD(s) will be sent by Certified Mail, Return Receipt Requested at no additional charge.
- D. Any Alcotest (breath test for a Driving while Intoxicated violation) download: \$30.00 per CD.
- E. For any item that cannot be photocopied on the Township copy machine or is not otherwise provided for herein: actual cost plus a Ten Dollar (\$10.00) administrative and handling fee.
- F. Where discovery must be obtained from an entity other than the Township of Marlboro: actual cost paid to the other entity plus a Ten Dollar (\$10.00) administrative and handling fee.

G. Discovery materials will only be released when payment in full for same has been received.

H. Reasonableness of Cost. Upon motion of any party, the court may consider the reasonableness of the cost of discovery ordered by the court to be disseminated to the parties. If the court finds that the cost charged for discovery is unreasonable, the court may order the cost reduced or make such other order as is appropriate.

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.

Councilwoman Mazzola recused herself and left the room. The following Resolution #2012-211/Ordinance #2012-18 (Making provisions of Subtitle One of Title 39 applicable to Camelot at Marlboro Urban Renewal, LLC) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 3 - 0 in favor (Absent: LaRocca and Mazzola).

RESOLUTION # 2012-211

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

ORDINANCE # 2012-18

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO CAMELOT AT MARLBORO URBAN, LLC. DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

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 June 7, 2012 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-18

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO CAMELOT AT MARLBORO URBAN, LLC. DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

NOW, THEREFORE, BE AND ITS HEREBY ORDAINED, by the Township Council of Marlboro, County of Monmouth and State of New Jersey that Kaplan Companies for Camelot at Marlboro Urban, LLC. has filed a written consent with the Township of Marlboro that the provisions of Subtitle One of Title 39 statutes of New Jersey to be made applicable to the semi-public roads, streets, driveways and parking lots at the Camelot at Marlboro Urban, LLC located in the Township of Marlboro, County of Monmouth and the following regulations shall be enforceable:

REGULATIONS:

1. GENERAL PARKING:

- A. All vehicles must park in designated areas and between the lines provided.
- B. No person shall stop or stand a vehicle upon any of the streets or part of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Locations</u>
All Roads	Both	All	As indicated on the site plan

C. HANDICAPPED PARKING:

All stalls shall be the width as shown on the site plan and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate), in the designated parking areas for person's who have been issued the Handicapped Parking Permit by the Division of Motor Vehicles.

2. RESERVED PARKING:

All vehicles that are granted specialty parking in this section such as police vehicles, ambulances, etc. must be properly

identified and the reserved parking spaces must be shown on the site plan.

3. THROUGH STREETS:

Stop signs shall be installed on the right side of each street intersecting the Through Streets as designated on the site plan.

4. SPEED LIMIT:

A. The speed limit for both directions of traffic in the parking lot (s) shall be 15 M.P.H.

B. The speed limits for both directions of travel on the following roadways are.

<u>Name of Roadway</u>	<u>MPH</u>	<u>Limits</u>
All Roads	15	Entire Length

C. Regulatory and warning signs shall be erected and maintained to affect the above designated speed limits authorized by the Department of Transportation.

5. NO PARKING ORDINANCE should be created due to the design of this complex. This will allow school buses, garbage trucks, snow plows, etc. to travel through this complex with no obstructions. The ordinance should read parking in marked stalls only.

6. TOW-AWAY ZONES:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, and grassy area, pedestrian walkway that would present a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

BE IT FURTHER ORDAINED, that all signs, posts or other necessary materials shall be installed and paid for by the property owner and that all signing shall conform to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

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 provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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

The following Resolution #2012-212 (Authorizing Expert Engineering and Planning Services - Monmouth County Solid Waste Management Plan Amendment - CME) was introduced by reference, offered by Council Vice President Metzger and seconded by Council President Cantor. After discussion, the resolution was passed on a roll call vote of 3 - 1 in favor, with Councilwoman Mazzola voting no (Absent: LaRocca).

RESOLUTION # 2012-212

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SUBMISSION TO MONMOUTH COUNTY FOR A SOLID WASTE MANAGEMENT PLAN AMENDMENT TO PERMIT A WOOD GRINDING RECYCLING FACILITY (ATLANTIC TREE REALTY) IN THE TOWNSHIP OF MARLBORO

WHEREAS, Atlantic Tree Realty filed an application before the Board of Adjustment to construct a wood grinding and recycling center on Tenant Road within the Township, which application has now been withdrawn; and

WHEREAS, Atlantic Tree Realty has notified the Township and the County that it intends to bypass the Board of Adjustment and seek approval from the County and NJDEP to construct the facility; and

WHEREAS, the Mayor and Municipal Council anticipates the need for a comprehensive review of the application before the County and NJDEP in order to protect the interest of the Township and its residents; and

WHEREAS, CME Associates has provided a proposal dated May 7, 2012 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$10,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 2-01-075-280; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional engineering services by way of its Township Engineers IN CONNECTION WITH THE SUBMISSION TO MONMOUTH COUNTY FOR A SOLID WASTE MANAGEMENT PLAN AMENDMENT TO PERMIT A WOOD GRINDING RECYCLING FACILITY (ATLANTIC TREE REALTY) IN THE TOWNSHIP OF MARLBORO ("Professional Services"), at a fee not to exceed \$10,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated May 7, 2012 ("Proposal"), be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$10,000.00 for such additional Professional Services for the Project as described in the Proposal; and

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

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

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

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

The following Resolution #2012-213 (Authorizing Review and Approval of Amendment to Affordable Housing Trust Fund Spending Plan) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-213

REQUESTING REVIEW AND APPROVAL TO THE AMENDMENT OF A
MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Township Council of the Township of Marlboro, Monmouth County re-petitioned the Council on Affordable Housing (COAH) for substantive certification in July 2010; and

WHEREAS, Marlboro Township received approval of its development fee ordinance from COAH on April 2, 2009; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address

any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Marlboro Township has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Marlboro, Monmouth County requests that DCA's Local Planning Services and/or COAH review and approve Marlboro Township's spending plan.

The following Resolution #2012-214 (Amending Contract with Affordable Housing Alliance for Administration of Affordability Assistance Program) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-214

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT
WITH THE MONMOUTH HOUSING ALLIANCE, INC., d/b/a
AFFORDABLE HOUSING ALLIANCE OF NEW JERSEY FOR
THE ADMINISTRATION OF MARLBORO TOWNSHIP'S
AFFORDABLE HOUSING PROGRAMS

WHEREAS, the Township Council of the Township of Marlboro approved Resolution 2009-268 appointing MONMOUTH HOUSING ALLIANCE, INC., d/b/a AFFORDABLE HOUSING ALLIANCE OF NEW JERSEY ("Contractor") as ADMINISTRATIVE AGENT FOR THE ADMINISTRATION OF AFFORDABLE HOUSING UNITS; and

WHEREAS, the Township Council of the Township of Marlboro approved Resolution 2009-325 amending the contract with MONMOUTH HOUSING ALLIANCE, INC., d/b/a AFFORDABLE HOUSING ALLIANCE OF NEW JERSEY to include ADMINISTRATION OF MARLBORO TOWNSHIP'S OWNER-OCCUPIED AND RENTAL REHABILITATION PROGRAMS; and

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

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

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

WHEREAS, the Township has an Affordability Assistance obligation pursuant to N.J.A.C.5:97-8.8; and

WHEREAS, the Township of Marlboro requires the services of a contract for its Administrative Agent, Rehabilitation and Affordability Assistance programs through December 31, 2012; and

WHEREAS, the Township of Marlboro hereby determines that it is in the best interests of the Township to amend its contract with MONMOUTH HOUSING ALLIANCE, INC., d/b/a AFFORDABLE HOUSING ALLIANCE OF NEW JERSEY to include the administration of its Affordability Assistance program and extend the term through December 31, 2012; and

WHEREAS, funds are available and have been certified to for this purpose by the Chief Financial Officer in the Affordable Housing Trust Fund Account T-18-56-858-028; and

WHEREAS, the Contractor has proposed to extend the term of the existing scope of services at the rates provided for in its existing contract, and the administration of the Affordability Assistance program through December 31, 2012 for a total not to exceed fee of \$15,000.00 and the Township hereby deems these fees reasonable to be paid from its affordable housing trust fund; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro desire to amend the existing Agreement with the Contractor for the purposes described above in accordance with COAH's regulations pursuant to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.

NOW THEREFORE BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Monmouth Housing Alliance, Inc., d/b/a Affordable Housing Alliance of New Jersey, 59 Broad Street, Eatontown, NJ 07724 is hereby retained to administer the Marlboro Township's Affordable Housing Programs described above through December 31, 2012 in accordance with COAH's regulations pursuant

to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the Second Amendment to the existing Agreement with the Monmouth Housing Alliance, Inc., d/b/a Affordable Housing Alliance of New Jersey; and

BE IT FURTHER RESOLVED, that a copy of the Second Amendment to the Agreement with the Monmouth Housing Alliance, Inc., d/b/a/ Affordable Housing Alliance of New Jersey shall be attached to this Resolution; and

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

- a. New Jersey Council on Affordable Housing
- b. Monmouth Housing Alliance d/b/a Affordable Housing Alliance
- c. Municipal Housing Liaison (Thomas P. Howley)
- d. Mayor Jonathan L. Hornik

Councilwoman Mazzola asked Council to move Res. #2012-215 (Authorizing Purchase of Pagers under State Contract) and Res. #2012-217 (Award of Bid - Rental of Bounce Houses, Inflatables and Various Outdoor Games for Rec and Swim) from the Consent Agenda to be voted on separately.

The following Res. #2012-215 (Authorizing Purchase of Pagers under State Contract) was introduced by reference, offered by Council Vice President Metzger and seconded by Council President Cantor. Discussion followed between Councilwoman Mazzola and Council President Cantor, after which the resolution was passed on a roll call vote of 4 - 0 in favor.

RESOLUTION # 2012-215

A RESOLUTION AUTHORIZING THE PURCHASE OF
PAGERS FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF PUBLIC SAFETY
PURSUANT TO STATE CONTRACT #53804

WHEREAS, the Federal Communications Commission (FCC) requires VHF frequencies between 150-174 MHz operating at 25 kHz to "narrowband" to 12.5 kHz or less before January 1, 2013; and

WHEREAS, the Township of Marlboro Department of Public Safety will cut over to transceivers compliant with FCC requirements on November 1, 2012; and

WHEREAS, the Township of Marlboro Department of Public Safety has requested that the Township acquire new pagers compatible with the FCC narrow band requirements for emergency medical services personnel; and

WHEREAS, the purchase of pagers is necessary immediately as an interim measure pending a complete needs assessment for narrowband compliant pagers for all emergency medical services personnel; and

WHEREAS, the purchase of radios and pagers was approved as part of the 2012 capital program (105-0, 312-9); and

WHEREAS, the Township of Marlboro Department of Public Safety has recommended the purchase of pagers from Motorola C/O WPCS International, INC., 1985 Swarthmore Ave., Lakewood, New Jersey 08701, under State Contract #53804 for a total amount not to exceed \$17,250.00 and

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

WHEREAS, it necessary to provide said material to the Township of Marlboro's Department of Public Safety for its operational functions; and

WHEREAS, funds are available from Capital Account # C-04-12-008-961 for the amount of \$17,250.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase pagers from Motorola C/O WPCS International, INC., 1985 Swarthmore Ave., Lakewood, New Jersey 08701, under State Contract #53804, for a total amount not to exceed \$17,250.00 and

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

- a. Motorola C/O WPCS International, INC.,
1985 Swarthmore Ave., Lakewood, New Jersey 08701, under
State Contract #53804
- b. Township Administrator
- c. Township Department of Public Safety
- d. Chief of Police
- e. Township Chief Financial Officer

f. DeCotiis, FitzPatrick, & Cole, LLP

The following Res. #2012-217 (Award of Bid - Rental of Bounce Houses, Inflatables and Various Outdoor Games for Rec and Swim) Was introduced by reference, offered by Council Vice President Metzger and seconded by Council President Cantor. Discussion followed, after which the resolution was passed on a roll call vote of 4 - 0 in favor.

RESOLUTION # 2012-217

A RESOLUTION AWARDING CONTRACT TO PARTY PERFECT RENTALS, LLC FOR THE RENTAL OF BOUNCE HOUSES, INFLATABLES AND VARIOUS OUTDOOR GAMES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE RENTAL OF BOUNCE HOUSES, INFLATABLES AND VARIOUS OUTDOOR GAMES FOR THE TOWNSHIP OF MARLBORO, and on May 1, 2012, received one (1) bid as follows:

	Subtotal	Party Perfect Rentals, LLC Freehold, NJ 07728
Recreation Camp	A	\$7,100.00
Recreation Marlboro Day	B	\$7,785.00*
Marlboro Swim Club	C	\$4,275.00*
GRAND TOTAL		\$19,160.00

* Bidder transposed Subtotal B and Subtotal C when carried from Technical Specifications to Bid Form. Corrected for purposes of award with no effect on bid results.

; and

WHEREAS, it has been determined by the Business Administrator, Swim Club Director and Acting Director of Recreation that the submission of the apparent low bidder, Party Perfect Rentals, LLC is responsive; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Party Perfect Rentals, LLC whose address is 1731 Ginesi Drive, Freehold, NJ 07728 for a period of one year, in a total amount not to exceed \$19,160.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Party Perfect Rentals, LLC in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$14,885.00 are available for the aforesaid 2012 contract in T-17-56-867-215 and \$4,275.00 in 2-07- -700-215.

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

- a. Party Perfect Rentals, LLC
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Acting Director of Recreation
- e. Township Director of Swim
- f. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor: Absent: LaRocca: Res. #2012-216 (Authorizing Shared Services Agreement Bd. of Ed. for Custodial Services), Res. #2012-218 (Redemption Tax Sale Certs - Various), Res. #2012-219 (Raffle License ORT America Inc. - On Premise 50/50).

RESOLUTION # 2012-216

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE JANITORIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of janitorial services for the maintenance of its public buildings, and

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

WHEREAS, the Township of Marlboro and Marlboro Board of Education ("BOE") are public bodies corporate and politic of the

State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the BOE has a contract in place which was awarded pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11) for janitorial services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Municipal Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$18,027.00 for the period June 2012 through August 2012 are available for this purpose from Account # 2-01-122-288; and.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement, the terms of which are annexed hereto as EXHIBIT A.
4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2012-218

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$91,511.53 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$91,511.53 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
11-59 9 South Main St.	355/17	US Bank CUST for SASS Muni VI dtr 2 Liberty Pl. 50 So. 16 th St.-Ste.1950 Philadelphia, PA 19102 Assessed Owner: Century Vision Assoc. LLC/ Sahni, A.	\$62,085.29
08-18 86 Route 79	208/1	US Bank CUST for Lien Logic Fund I, LLC 50 th So. 16 th St.,Ste. 1950 Philadelphia, PA 19102-2513 Assessed Owner: Debra S. Lydick	19,350.14
12-032 421 Route 79		US Bank CUST for Pro Capital I, LLC 50 th So. 16 th St., Ste. 1950 Philadelphia, PA 19102 Assessed Owner: Rose E. Colon c/o B. Fleisher	615.48
12-070 13 North Main St.		Actlien Holding Inc. 10 Westminster Road Rockville Centre, NY 11570 Assessed Owner: Charles P. Alario	1,079.06
12-088 416 Bayberry Ct.		MTAG Services CUST ACTF II NJ, LLC P.O. Box 54292 New Orleans, LA 70154 Assessed Owner: Secretary of Housing & Urban Develop	8,381.56
TOTAL:			<u>\$91,511.53</u>

RESOLUTION # 2012-219

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL#: 15-2012 be and it is hereby granted to ORT America Inc., 1620 Route 22, 3rd Floor, Union, NJ 07083.

BE IT FURTHER RESOLVED that said Raffle (On premise 50/50) will be held on July 3, 2012 and October 10, 2012 from 11:30 AM to 3:00 PM, at the Greenbriar Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey 07746.

The was no New Business.

At 8:10 PM, Councilwoman Marder moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca).

RESOLUTION # 2012-220

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 17th day of May, 2012 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:25 PM, Councilwoman Marder moved that the meeting be opened. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca).

The following Res. #2012-221 (Settlement Tax Appeal - B. 214.07, L. 61.02 - Monmouth Worship Center) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-221

RESOLUTION AUTHORIZING SETTLEMENT OF A TAX APPEAL
FOR THE PROPERTY LOCATED AT 37 VANDERBURG ROAD,
ALSO KNOWN AS BLOCK 214.07, LOT 61.01, TOWNSHIP
OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, Monmouth Worship Center Assemblies of God is the Owner of certain real property located at 37 Vanderburg Road, also known as Block 214.07, Lot 61.01, Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Owner has filed a 2011 added-assessment appeal to the Tax Court of New Jersey for said property for the year 2011 added assessment under docket number 000229-2012; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached wherein the Township of Marlboro has agreed with Monmouth Worship Center Assemblies of God to withdraw their 2011 added assessment amount from 3,684,700 of assessed value to 0 of assessed value resulting in a refund of \$68,768.79; and

WHEREAS, the 2011 docket number for the 2011 tax appeal shall be settled and a stipulation of settlement with be delivered to the Tax Court of New Jersey and a judgment shall be entered in accordance herewith; and

WHEREAS, the Tax Counsel and the Tax Assessor have recommended the terms of this settlement to the Mayor and Township Council of Marlboro; and

WHEREAS, the Township Council of the Township of Marlboro is of the opinion that this settlement is in the best interests of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, being the governing body thereof, that the settlement in this matter as set forth herein above be and is hereby approved and the Tax Counsel, Salvatore Alfieri, Esq., is hereby authorized and directed to effect said settlement.

At 8:26 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: June 7, 2012

OFFERED BY: LA ROCCA

AYES: 3

SECONDED BY: MARDER

NAYS: 0

ABSTAIN: LA ROCCA

ABSENT: CANTOR

ALIDA MANCO,
MUNICIPAL CLERK

SCOTT METZGER,
COUNCIL VICE PRESIDENT