

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 5, 2012

The Marlboro Township Council held its scheduled reorganization meeting on January 5, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 20, 2011; 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: Council Vice President Cantor, Councilman LaRocca, Councilwoman Mazzola, Councilman Metzger and Council President Marder.

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

Council proceeded to address the following resolutions of 2011 unfinished business.

The following Resolution #2011-477 (Cancelling Expended Capital Fund Balances) 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 # 2011-477

WHEREAS, certain capital ordinances within the Township of Marlboro General Capital Account have balances remaining for capital improvement authorizations previously authorized by the Township council of the Township of Marlboro, Monmouth County, State of New Jersey, and

WHEREAS, certain projects for which remaining funding exists have been deemed as unnecessary or no longer needed, and

WHEREAS, the cancellation of these balances must be completed through resolution of this Governing Body,

NOW, THEREFORE, BE IT RESOLVED that the following capital ordinances be cancelled in the amounts depicted with the funded balances being cancelled into Capital Surplus and the Unfunded balances being recorded to reduce Debt authorization.

<u>Ordinance Number</u>	<u>Funded</u>	<u>Unfunded</u>
2001-18	960.00	
2002-21	556.60	
2004-21		49,904.67
2005-36	20,576.31	
2006-19	88,604.47	
2007-12		68,425.00
<u>2009-28</u>		<u>28,000.00</u>
Total	\$ 110,697.38	\$ 146,329.67

BE IT FURTHER RESOLVED, that whereas certain Capital Ordinances were either fully funded or funded through annual budget appropriations, and

WHEREAS, certain Ordinances have authorized debt balances remaining in the financial records of the Township of Marlboro,

NOW, THEREFORE, BE IT RESOLVED, that the following balances of Bonds or Notes Authorized But Not Issued be hereby cancelled:

<u>Ordinance Number</u>	<u>Amount</u>
2002-27	\$ 21,800.00
2002-28	35,200.00
<u>2008-23</u>	<u>817,363.31</u>
Total	\$ 874,363.31

The following Resolution #2011-478 (Cancelling Reserve for Revaluation) 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 # 2011-478

WHEREAS, the Township of Marlboro Annual Financial Statement dated 12/31/10 reflects an amount of \$69,864.12 in a "Reserve for Revaluation", and

WHEREAS, the annual maintenance of the tax map and other costs associated with the mandated revaluation have been funded through budget appropriations in recent years, and

WHEREAS, the Reserve for Revaluation has been dormant and is no longer required.

NOW, THEREFORE, BE IT RESOLVED that the amount of \$69,864.12 remaining in the Reserve for Revaluation account in the Current Fund is hereby cancelled into the Current Fund Balance account.

The following Resolution #2011-479 (Cancelling 2011 Checks) 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 # 2011-479

WHEREAS, checks have been outstanding in bank accounts of the Township of Marlboro, Monmouth County, State of New Jersey for more than ninety days, and

WHEREAS, the Township needs to cancel outstanding checks prior to closing the inactive Wachovia / Wells Fargo accounts belonging to the Township, and

WHEREAS, the cancellation of such checks needs to be approved by resolution of the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey,

NOW, THEREFORE, BE IT RESOLVED that the checks identified on the following schedule be hereby cancelled;

<u>Check Number</u>	<u>Check Date</u>	<u>Check Amount</u>
Current Account #2021113910187		
57514	3/15/2010	\$ 304.53
58304	7/8/2010	380.00
58563	8/16/2010	8.00
60216	4/13/11	8.00

60430	5/11/11	3.09
60460	5/25/11	254.42
60920	8/3/11	436.68

StormWater Account #2030218029414

2678	9/29/2010	275.00
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Recreation Trust Account #2030267959425

13852	2/24/2010	55.00
13892	4/7/2010	16.00
14237	9/7/2010	45.00
15071	8/17/11	54.00

Payroll Account #2000013301707

1271	9/4/08	22.39
00146734	6/15/08	8.62
00149154	9/15/08	229.70
00149155	9/15/08	209.60
00153442	8/31/09	136.13
00156008	5/15/10	27.08
00157037	7/31/10	292.63
00157577	8/15/10	362.50
00158549	8/31/10	3.90
00158788	9/30/10	19.38
00158816	9/30/10	34.07
00159511	12/31/10	18.07

The following Resolution #2011-480 (Authorizing Installment Payment Agreement for Delinquent Water Service Charges) 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 # 2011-480

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of N.J.S.A. 40A:31-12 empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of N.J.S.A. 54:5-19; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, OBAID FARGHANI and SAIMA FARGHANI, the owners of 895 Crimson Court, which is designated as Block 176, Lot 7 on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number D03084 and Account ID Number 55137; and

WHEREAS, Customer has a delinquent Account balance of \$859.28 exclusive of accrued interest), which is attributable to water service for the quarterly period ended November 30, 2011, and which was due for payment by December 31, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;

- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$859.28 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- a. Jonathan L. Hornik, Mayor
- b. Randi Marder, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector
- f. Obaid Farghani (Customer)
- g. Saima Obaid (Customer)
- h. DeCotiis, Fitzpatrick & Cole, LLP

The following Resolution #2011-481 (Budget Transfers #3) 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 # 2011-481

RESOLUTION AUTHORIZING 2011 BUDGET TRANSFERS

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 2011 Municipal Budget as follows:

FROM			
Group Health			
Insurance	1-01-	-100-202	50,000.00
			50,000.00
TO			
Accrued Absence	1-01-	-184-XXX	30,000.00
Gasoline	1-01-	-168-XXX	20,000.00
			50,000.00

The following Resolution #2012-1 (Election of Council President) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor with Council President Cantor abstaining.

RESOLUTION # 2012-1

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, JEFF CANTOR shall serve as the Council President of the Marlboro Township Council.

The following Resolution #2012-2 (Election of Council Vice President) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-2

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, SCOTT METZGER shall serve as the Council Vice President of the Marlboro Township Council.

The following Resolution #2012-3 (Advising and Consenting to Appointment of Director of Economic Development - Deputy Mayor) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-3

RESOLUTION CONFIRMING THE APPOINTMENT OF  
LAWRENCE ROSEN AS THE DIRECTOR OF ECONOMIC DEVELOPMENT

WHEREAS, the Mayor has advised the Township Council of his intention to reappoint LAWRENCE ROSEN as the Director of Economic Development for the Township of Marlboro subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of LAWRENCE ROSEN as the Director of Economic Development for the Township of Marlboro.

The following Resolution #2012-4 (Advising and Consenting to Appointment of Director of Community Relations - Deputy Mayor) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-4

RESOLUTION CONFIRMING THE APPOINTMENT OF  
HUIMIN SHEN AS THE DIRECTOR OF COMMUNITY RELATIONS

WHEREAS, the Mayor has advised the Township Council of his intention to reappoint HUIMIN SHEN as the Director of Community Relations for the Township of Marlboro subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of HUIMIN SHEN as the Director of Community Relations for the Township of Marlboro.

The following Resolution #2012-5 (Advising and Consenting to Appointment of Deputy Mayor) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-5

RESOLUTION ACKNOWLEDGING THE APPOINTMENT OF STEVE ROSENTHAL  
AS HONORARY DEPUTY MAYOR FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Section 4-31 of the Code of the Township of Marlboro establishes the position of Honorary Deputy Mayor, to assist the Mayor by attending meetings as the Mayor's designee or representative and to perform such other functions as may be directed by the Mayor, such appointment to be made by the Mayor, at his or her discretion; and

WHEREAS, Mayor Jonathan L. Hornik has reappointed Steve Rosenthal as Honorary Deputy Mayor for the Township of Marlboro pursuant to Section 4-31 of the Code of the Township of Marlboro.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the appointment of Steve Rosenthal as Honorary Deputy Mayor for the Township of Marlboro by Mayor Jonathan L. Hornik, be and is hereby acknowledged and that the Marlboro Township Council hereby congratulates Steve Rosenthal on their appointment as Honorary Deputy Mayor; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that a certified copy of this Resolution shall be provided to each of the following:

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

The following Resolution #2012-6 (Advising and Consenting to Appointment of Business Administrator) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-6

A RESOLUTION CONFIRMING THE MAYOR'S  
REAPPOINTMENT OF JONATHAN CAPP AS BUSINESS  
ADMINISTRATOR FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Mayor Jonathan L. Hornik has reappointed Jonathan Capp as the Business Administrator for the Township of Marlboro; and

WHEREAS, Jonathan Capp is qualified to perform the services as Business Administrator in accordance with the Township Code and State law; and

WHEREAS, pursuant to law, the reappointment of Jonathan Capp as Business Administrator of the Township of Marlboro is subject to the advice and consent of the Township Council; and

WHEREAS, pursuant to N.J.S.A.40:69A-44, during his tenure of office as Business Administrator, Jonathan Capp may reside outside of the municipality.

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

1. The aforesaid recitals are incorporated herein by reference as if set forth at length.

2. The Township Council of the Township of Marlboro hereby confirms and gives its advice and consent to the reappointment of Jonathan Capp as the Business Administrator for the Township of Marlboro; and

3. The Mayor and Township Clerk are hereby authorized to execute a contract with Jonathan Capp as Business Administrator; and

4. A certified copy of this resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Jonathan Capp, Business Administrator
- c. DeCotiis, Fitzpatrick & Cole, LLP

The following Resolution #2012-7 (Confirmation of Appointment of Municipal Officials) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-7

RESOLUTION CONFIRMING APPOINTMENT OF MUNICIPAL  
OFFICIALS FOR THE TOWNSHIP OF MARLBORO

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, 2015; and

WHEREAS, Mayor Jonathan Hornik has appointed Nicole Sonnenblick as Township Prosecutor for the Township of Marlboro for a term ending on December 31, 2012; and

WHEREAS, Mayor Jonathan Hornik has appointed Michael DuPont as Public Defender for the Township of Marlboro for a term ending on December 31, 2012; 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, with a term ending on December 31, 2015 and Nicole Sonnenblick as Township Prosecutor and Michael Dupont as Public Defender for the Township of Marlboro, with terms ending on December 31, 2012.

The following Resolution #2012-8 (Authorizing Contract Township Attorney) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-8

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, 2012 through December 31, 2015; and

WHEREAS, such appointment received the advice and consent of the Township Council by Resolution #2012-7 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 December 7, 2011 (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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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 December 7, 2011, copies of which are attached hereto, in an amount not to exceed \$375,000.00 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 #2012-9 (Authorizing Contract Bond Counsel) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-9

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 December 7, 2011 (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 December 7, 2011, 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. Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-10 (Authorizing Contract Legal Services Affordable Housing) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-10

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, 2012 through December 31, 2015; and

WHEREAS, such appointment received the advice and consent of the Township Council by Resolution #2012-7; 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 December 7, 2011 (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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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 December 7, 2011, 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 #2012-11 (Authorizing Contract Township Engineer) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-11

RESOLUTION APPOINTING CME ASSOCIATES AS TOWNSHIP  
ENGINEER AND AUTHORIZING A PROFESSIONAL SERVICES  
CONTRACT THEREFOR FOR THE YEAR 2012

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 8, 2011(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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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 8, 2011, a copy of which is attached hereto, in an amount not to exceed \$128,500.00; 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 #2012-12 (Authorizing Contract Conflict Engineer) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-12

RESOLUTION APPOINTING BIRDSALL SERVICES GROUP AS TOWNSHIP  
CONFLICT/ALTERNATE ENGINEER AND AUTHORIZING A PROFESSIONAL  
SERVICES CONTRACT THEREFOR FOR THE YEAR 2012

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 December 8, 2011 (the "Proposal") from BIRDSALL SERVICES GROUP (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 may 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 BIRDSALL SERVICES GROUP 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 8, 2011, 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 SERVICES GROUP
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-13 (Authorizing Contract Township Planner) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-13

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO CME ASSOCIATES AS TOWNSHIP PLANNER FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2012

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 and 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 8, 2011 (the "Proposal") from CME 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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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 a proposal dated December 8, 2011, a copy of which is attached hereto, in an amount not to exceed \$60,000.00; 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. CME ASSOCIATES
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-14 (Authorizing Contract Special Counsel for Affordable Housing) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-14

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 2012

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 8, 2011 (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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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 8, 2011, a copy of which is attached hereto, in an amount not to exceed \$25,000.00; 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 #2012-15 (Authorizing Contract Special Tax Counsel) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-15

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 December 5, 2011 (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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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 December 5, 2011, 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 #2012-16 (Authorizing Contract Special Tax Conflict Counsel) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-16

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND EXECUTION  
OF A PROFESSIONAL SERVICES CONTRACT WITH SUKEL &  
ASSOCIATES, P.A., 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 December 1, 2011 (the "Proposal") from SUKEL & ASSOCIATES, P.A. (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 SUKEL & ASSOCIATES, P.A. 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, 2011, 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. Tax Assessor
- d. SUKEL & ASSOCIATES, P.A.
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-17 (Authorizing Contract - Auditor) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-17

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 2011 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 2011; 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 December 7, 2011 (the "Proposal") from WISS & COMPANY (the "Business Entity") in response to a Request for Qualifications for the services of Independent 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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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

December 7, 2011, 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, LLP
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-18 (Authorizing Contract Risk Management Services) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-18

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 December 7, 2011 (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, 2012 and terminating on December 31, 2012, 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 #2012-19 (Authorizing Conflict Planning Services as Needed Basis) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-19

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT  
TO HEYER, GRUEL & ASSOCIATES FOR PLANNING SERVICES  
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2012

WHEREAS, the Township of Marlboro is in need of the services of a Planner for conflict planning services and special projects including the development of a form based zoning code, 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 23, 2011 (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 certified by the Chief Financial Officer for this purpose upon adoption of the 2012 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 23, 2011, a copy of which is attached hereto, in an amount not to exceed \$25,000.00; 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 #2012-20 (Appointment Class III Member of Planning Board) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-20

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 LA ROCCA be and is hereby appointed to the Planning Board, as a Class III member.

The following Resolution #2012-21 (Appointments to Zoning Board of Adjustment) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-21

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 MATTHEW WEILHEIMER to serve as a regular member of the Marlboro Township Zoning Board of Adjustment for a four-year term; and

WHEREAS, the Township Council wishes to reappoint STACEY DI GRANDE to serve as a member of the Zoning Board of Adjustment, for a two-year term as Alternate # 2.

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

That it hereby appoints MATTHEW WEILHEIMER and STACEY DI GRANDE to serve as members of the Marlboro Township Zoning Board of Adjustment in the positions specified above, and for the terms indicated above.

The following Resolution #2012-22 (Confirming Appointment Agricultural Advisory Committee) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-22

A RESOLUTION REAPPOINTING THOMAS CHENAL AND HEIDI RAJAN 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 CHENAL AND HEIDI RAJAN to the Agriculture Advisory Committee for terms 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 CHENAL and HEIDI RAJAN to the Agricultural Advisory Committee for terms 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 #2012-23 (Appointments to Youth Exchange Advisory Committee) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-23

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 three (3) of the members of the Youth Exchange Advisory Committee and the term of the Chairperson have expired; and

WHEREAS, the unexpired term of Stephanie Ackerman, such term expiring December 31, 2012, has also become vacant; and

WHEREAS, the Township Council now desires to fill those vacancies and appoint a 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 HADARA BIALA, JAMES MIONE and ANDREA WENDLER are hereby reappointed 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 SUE PENG is hereby appointed to fill the unexpired term of STEPHANIE ACKERMAN, expiring December 31, 2012; 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 #2012-24 (Designating Community Development Representative and Alternate) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-24

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 2012.

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 #2012-25 (Designating Coordinator of Compliance with ADA 2012 and Deputy) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-25

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 2012

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 #2012-26 (Appointment of Council Liaisons) 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 # 2012-26

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	- Jeff Cantor and 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	- Jeff Cantor
Youth Exchange Advisory/ Nanto Committee	- Frank LaRocca
Economic Development	- Carol Mazzola
Veterans & Volunteers Com.	- Jeff Cantor
Teen Advisory	- Jeff Cantor
Historical Commission	- Patrick Pentland
Marlboro Drug Alliance	- Randi Marder
Affordable Housing	- Carol Mazzola
Shade Tree	- Randi Marder
Local Emergency Planning Committee	- Jeff Cantor
Police Dept.	- Jeff Cantor
Dept. of Public Works	- Frank LaRocca

The following Resolution #2012-27 (Order of Business of Council Meetings) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-27

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 2012:

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
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 #2012-28 (2012 Meeting Dates) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-28

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 2012. 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.

	January 19, 2012
February 2, 2012	February 16, 2012
March 1, 2012	March 22, 2012
April 12, 2012	
May 3, 2012	May 17, 2012
June 7, 2012	June 21, 2012
July 12, 2012	August 9, 2012
September 6, 2012	September 20, 2012
October 4, 2012	October 18, 2012
November 1, 2012	
December 6, 2012	December 20, 2012

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Vice President Metzger and passed on a roll call vote of 5 - 0 in favor: Res. #2012-29 (Official Newspapers), Res. #2012-30 (Duplicate Bills), Res. #2012-31 (Appointing Tax Search Officer), Res. #2012-33 (Authorizing Return Check Fee for Tax Collector), Res. #2012-34 (Cancelling Balances under \$5), Res. #2012-35 (Continuation of Bonds - Officers and Employees),

Res #2012-36 (Designating Municipal Clerk/Certificates of Searches), Res. #2012-37 (Temporary Budget Current (26.25%, Swim and Water Utility), Res. #2012-38 (Cash Management Plan), Res. #2012-39 (Continuation of Petty Cash Funds), Res. #2012-40 (Authorizing Bus. Admin. Execute Contracts up to \$17,500), Res. #2012-41 (Authorizing Tax Assessor to Perform Various Duties).

RESOLUTION # 2012-29

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 2012:

ASBURY PARK PRESS  
NEWARK STAR LEDGER

RESOLUTION # 2012-30

BE IT RESOLVED by the Township Council of the Township of Marlboro that the cost charged by the Tax Collector for Duplicate Bills for 2012 be as follows:

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

RESOLUTION # 2012-31

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 # 2011-33

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 # 2012-34

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 # 2012-35

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 2012.

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 # 2012-36

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 # 2012-37

RESOLUTION ADOPTING A TEMPORARY BUDGET  
CALENDAR YEAR 2012

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 \$8,973,740.69, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Swim Utility budget for Calendar Year 2011 is \$274,979.21, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Water Utility budget for Calendar Year 2011 is \$2,505,689.28, 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 2012 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.

2011  
BUDGET

2012  
TEMPORARY

Current Fund Appropriations		BUDGET
Administration (30)		
Salary & Wages	229,661.00	57,415.25
Other Expenses	143,300.00	35,825.00
Office of the Mayor (10)		
Salary & Wages	62,025.00	15,506.25
Other Expenses	2,945.00	736.25
Ethics Commission		
Salary & Wages		
Other Expenses	1,940.00	485.00
Township Council (21)		
Salary & Wages	14,167.00	3,750.00
Other Expenses	1,025.00	256.25
Municipal Clerk (20)		
Salary & Wages	205,639.00	51,409.75
Other Expenses	57,764.00	14,441.00
Finance		
Salary & Wages	199,210.00	49,802.50
Other Expenses	14,956.00	3,739.00
Annual Audit	48,355.00	0.00
Central Computer Services		
Salary & Wages	75,115.00	18,778.75
Other Expenses	62,921.00	15,730.25
Tax Collector		
Salary & Wages	125,617.00	31,404.25
Other Expenses	19,372.00	4,843.00
Tax Assessor		
Salary & Wages	151,473.00	37,868.25
Other Expenses	61,758.00	15,439.50
Legal Services		
Other Expenses	388,054.00	97,013.50
Engineering Services		
Salary & Wages	215,752.00	53,938.00
Other Expenses	124,872.00	31,218.00
Economic Development		
Salary & Wages		

Other Expenses	10,500.00	2,625.00
Cable Studio		
Salary & Wages		0.00
Other Expenses	36,372.00	9,093.00
Inter- Governmental Relations		
Other Expenses	500.00	125.00
Historic Sites Commission		
Other Expenses	500.00	125.00
Planning Board		
Salary & Wages	63,696.00	15,924.00
Other Expenses	62,166.00	15,541.50
Planning Board Contractual		
Other Expenses	114,650.00	28,662.50
Zoning Board		
Salary & Wages	157,143.00	39,285.75
Other Expenses	46,269.00	11,567.25
Liability Insurance	426,087.00	213,043.50
Workers Comp	492,701.00	246,350.50
Group Insurance	2,928,622.20	732,155.55
Unemployment Insurance	25,000.00	0.00
Police		
Salary & Wages	8,088,681.00	2,022,170.25
Other Expenses	364,714.00	91,178.50
Emergency Management		
Salary & Wages	23,000.00	5,750.00
Other Expenses	2,095.00	523.75
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	142,318.00	35,579.50
Other Expenses	14,722.00	3,680.50
Municipal Prosecutors Office		
Salary & Wages	32,448.00	8,112.00
Streets and Road Maint		
Salary & Wages	1,381,908.00	345,477.00
Other Expenses	120,355.00	30,088.75
Snow Removal		

Salary & Wages	100,000.00	25,000.00
Other Expenses	675,475.00	168,868.75
Public Works - Other		
Salary & Wages	245,546.00	61,386.50
Other Expenses	66,136.00	16,534.00
Shade Tree Commission		
Salary & Wages		
Other Expenses	2,715.00	678.75
Solid Waste Collection		
Salary & Wages	10,359.00	2,589.75
Other Expenses	551,700.00	137,925.00
Buildings & Grounds		
Salary & Wages	324,333.00	81,083.25
Other Expenses	202,253.00	50,563.25
Vehicle Maintenance		
Salary & Wages	412,059.00	103,014.75
Other Expenses	130,835.00	32,708.75
Community Services Act		
Other Expenses	62,100.00	15,525.00
Open space Committee		
Other Expenses	1,500.00	375.00
Public Health Services - Registrar		
Salary & Wages	25,153.00	6,288.25
Other Expenses	1,545.00	386.25
Drug Abuse Control		
Salary & Wages	16,500.00	4,125.00
Other Expenses	3,227.00	806.75
Environmental Health Services		
Salary & Wages	2,000.00	500.00
Other Expenses	986.00	246.50
Animal Control Services		
Other Expenses	55,106.00	13,776.50
Recreation		
Salary & Wages	359,526.00	89,881.50
Other Expenses	130,650.00	32,662.50
Teen Program		
Salary & Wages		
Other Expenses	2,500.00	625.00
Park Maintenance		

Salary & Wages	446,065.00	111,516.25
Other Expenses	50,730.00	12,682.50
Municipal Library		
Other Expenses	10,000.00	2,500.00
Prior Year Bills	47,500.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Postage		
Other Expenses	60,000.00	15,000.00
Electricity	420,001.00	105,000.25
Street Lighting	689,128.00	172,282.00
Telephone	128,051.00	32,012.75
Water	25,750.00	6,437.50
Natural Gas	80,000.00	20,000.00
Sewer	10,350.00	2,587.50
Gasoline	440,479.00	110,119.75
Landfill Disposal Costs	220,700.00	55,175.00
PERS	802,001.00	0.00
DCRP	500.00	0.00
FICA	1,137,833.00	284,458.25
Contingent	10,000.00	0.00
Municipal Court		
Salary & Wages	289,759.00	72,439.75
Other Expenses	71,081.00	17,770.25
Public Defender		
Salary & Wages	16,244.00	4,061.00
Other Expenses		
Affordable Housing		
Salary & Wages	4,000.00	1,000.00
Other Expenses	0.00	0.00
Police Dispatch 911		
Salary & Wages	695,617.00	173,904.25

Other Expenses	244,235.00	61,058.75
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	2,216,001.00	0.00
SFSP Fire District Payments		
Other Expenses	10,583.00	0.00
Clean Communities Act	68,350.11	0.00
Monmouth Drug & Alcohol		
Grant Share	28,547.00	0.00
Local Share	8,012.00	0.00
Recycling tonnage Grant	52,731.95	0.00
Municipal Recycling Service grant	15,000.00	0.00
Supp Drug & Alcohol	3,500.00	0.00
Body Armor Grant	2,209.25	0.00
Federal Body Armor Grant	20,312.50	0.00
COPS In SHOPS grant	1,600.00	0.00
DDEF	4,213.43	0.00
Alcohol Rehab Grant	201.09	0.00
Capital Improvement Fund		
Other Expenses	150,000.00	0.00
Bond Principal	1,695,000.00	0.00
Bond Interest	795,000.00	0.00
Green Acres Trust - P & I	28,865.00	14,432.50
Capital Lease program		
Principal	153,000.00	0.00
Interest	17,454.00	7,625.00
Emergency Authorizations	200,000.00	0.00
Deferred Charges	370,000.00	0.00
Reserve for Uncollected Taxes	2,176,502.31	0.00

Totals	34,185,678.84	6,524,272.80
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Swim Utility - Operating  
Appropriations

Salary & Wages	459,260.85	115,000.00
Other Expenses	492,321.00	123,080.25
Capital Outlay	49,000.00	12,250.00
Payment of Bond Principal	0.00	0.00
Payment of Bond Anticipation Notes	0.00	0.00
Payment of Bond Interest	0.00	0.00
Payment of Note Principal	0.00	0.00
Public Employees Retirement System	13,923.00	0.00
FICA	33,035.00	8,258.75
Fund Totals	1,047,539.85	258,589.00

Water Utility - Operating  
Appropriations

Salary & Wages	955,788.00	238,947.00
Other Expenses	4,694,337.00	1,173,584.25
Capital Improvement fund		
Capital Outlay	1,000.00	0.00
Payment of Bond Principal	2,115,000.00	0.00
Payment of Bond Anticipation Notes		0.00
Payment of Bond Interest	832,625.00	0.00
Payment of Note Principal		0.00
Public Employees Retirement System	96,290.00	24,072.50
FICA	35,443.00	8,860.75
Prior Year Bills	15,000.00	0.00
Surplus (General Budget)	800,000.00	0.00
Fund Totals	9,545,483.00	1,445,464.50

RESOLUTION # 2012-38

RESOLUTION ESTABLISHING A CASH MANAGEMENT PLAN  
AND NAMING OFFICIAL DEPOSITORIES  
FOR THE TOWNSHIP OF MARLBORO FOR 2012

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 a cash management plan including the official depositories for the Township of Marlboro, County of Monmouth for the calendar year 2012.

RESOLUTION # 2012-39

RESOLUTION AUTHORIZING PETTY CASH FUND  
FOR CALENDAR YEAR 2012

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 31<sup>st</sup> of each year to be re-established by subsequent resolution on or after January 1<sup>st</sup> 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>2011 LEVEL</u>	<u>2012 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 # 2012-40

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 # 2012-41

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.

The following Resolution #2012-32 (Rate of Interest - Delinquent Taxes) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Metzger. Discussion followed, after which the resolution was passed on a roll call vote of 4 - 1 in favor, with Councilwoman Mazzola voting no.

RESOLUTION # 2012-32

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, 2012.

The following Resolution #2012-42/Ordinance #2012-1 (Amend Chapter 220 - Billboards) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 5 - in favor.

RESOLUTION # 2012-42

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

ORDINANCE # 2012-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220, "LAND USE AND DEVELOPMENT", SECTION 220-99(B)(14) "BILLBOARDS"

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 February 2, 2012 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 # 2012-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220, "LAND USE AND DEVELOPMENT", SECTION 220-99(B)(14) "BILLBOARDS"

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 220, Land Use And Development, Section 220-99 (B)(14) entitled "Billboards" is hereby amended as follows:

2. Conditional Use: Billboards shall be permitted as a conditional use in the C-3, C-4 and C-5 zones, but only on those lots with frontage on New Jersey State Highway 9, provided that the billboard and its location and installation adhere to the standards of this chapter and in accordance with the following conditions:

A. Billboards shall be located only on a lot with lot frontages on N.J.S.H. 9 in the C-3, C-4 and C-5 zones.

§220-99 (B)(14)(2)(G)(H) and (I) are hereby amended to read as follows:

G. Billboards shall be permitted on any lot where any other ground sign with an area of sixty (60) square feet or greater, as measured by the actual sign message area, exclusive of any decorative trim band, has been constructed or approved on the subject lot or any adjacent lot, provided that the distance between the billboard and ground sign is not less than 200 feet.

H. No portion of any billboard shall be located within five hundred (500) feet of any residential zone district or residential use, as measured to the lot line of said district or residential use.

I. The distance allowed from any billboard to any other billboard shall not be less than 2000 feet as measured in any and all directions including, but not limited to, the northbound and southbound corridors of Route 9.

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

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

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

The following Resolution #2012-43 (Authorizing Developer Agreement - Champagne - B 126, L 33) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-43

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND DR. RICHARD AND CAROL CHAMPAGNE IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 126, LOT 33, 480 ROUTE 79 AND ROOSEVELT AVENUE, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, On April 26, 2011 the Zoning Board of Adjustment of the Township of Marlboro ("Zoning Board") adopted a resolution

granting Preliminary and Final Site Plan Approval with Ancillary Variance Relief to Richard and Carol Champagne("Developer")for the development of property known as Block 126, Lot 33, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on Route 79 and Roosevelt Ave. (the "Site"); and

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

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Dr. Richard and Carol Champagne(the "Developer")for the Preliminary and Final Site Plan Approval with Ancillary Variance Relief issued for the site located on Block 136, Lot 33 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on Route 79 and Roosevelt Avenue, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. Dr. Richard and Carol Champagne
- b. Salvatore Alfieri, Esq.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Engineer
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-44 (Authorizing Application to Arbor Day Foundation for Recertification of Tree City USA Status) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-44

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 was recertified in 2011; 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 for 2012.

The following Resolution #2012-45 (Raffle License Marlboro Youth Baseball and Softball Assoc. - On Premise 50/50) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-45

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 1-2012 (On Premise 50/50) be and it is hereby granted to Marlboro Youth Baseball & Softball Assoc. Inc., P. O. Box 7, Morganville, NJ 07751.

BE IT FURTHER RESOLVED that said Raffle will be held on February 10, 2012 from 6 to 10PM at the Morganville Volunteer Fire House, 78 Tennent Road, Morganville, NJ 07751.

At 8:25 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: February 16, 2012

OFFERED BY: Metzger

AYES: 5

SECONDED BY: LaRocca

NAYS: 0

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ALIDA MANCO  
MUNICIPAL CLERK

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JEFF CANTOR  
COUNCIL PRESIDENT