

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 1, 2012

The Marlboro Township Council held its regularly scheduled meeting on March 1, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Councilwoman Marder), Councilwoman Mazzola, Council Vice President Metzger (7:10PM) and Council President Cantor.

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

Council President Cantor announced that Res. #2012-102/Ord. #2012-005 (Amend Chapter 4, 10 & 265 - Consolidating Functions of Various Boards, Commissions and Committees into a Recreation Utility) will be considered at a future meeting and moved Res. #2011-104 (Introduction of 2012 Municipal Budget) to the top of the agenda.

The following Resolution #2011-104 (Introduction of 2012 Municipal Budget) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman LaRocca. Business Administrator Jonathan Capp gave an overview of the budget consisting of a power point presentation. Council asked all pertinent questions, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-104

BE IT RESOLVED that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2012, as introduced by the Municipal Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 12, 2012 at the Township of Marlboro Municipal Complex

The following Resolution #2012-103/Ordinance #2012-6 (Exceed Municipal Budget Appropriation Limits and Establish CAP Bank) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-103

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

ORDINANCE # 2012-6

CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH
A CAP BANK (N.J.S.A. 40A: 4-45.14)

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 March 22, 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 # 2012-6

CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH
A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the

previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ \$947,168.05 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$947,168.05, and that the CY 2012 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the

Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Resolution #2012-105 (Self-examination of Budget) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: La Rocca).

RESOLUTION # 2012-105

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Marlboro* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Township of Marlboro* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

The following Resolution #2012-106 (Authorizing Petition of Intervention for BPU Docket WR12010027 - Middlesex Water Co.) was introduced by reference, offered by Councilwoman Marder, seconded by Council vice President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-106

RESOLUTION AUTHORIZING A PETITION
OF INTERVENTION FOR BPU DOCKET WR12010027

WHEREAS, Middlesex Water Company on January 9, 2012 filed a petition with the Board of Regulatory Commission requesting a significant (17.47%) rate increase; and

WHEREAS, the implications involved in this petition, if granted by the Bureau of Public Utilities, have a potential

adverse financial impact on the residents and the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro of the County of Monmouth and State of New Jersey that the Township Attorney and the Chief Finance Officer are hereby authorized to petition the Board of Regulatory Commission for permission to intervene in BPU Docket No. WR12010027 and OAL Docket No. when assigned.

BE IT FURTHER RESOLVED, that the Chief Finance Officer is to request a full copy of the petition and request to be notified of all prehearing meetings.

BE IT FURTHER RESOLVED, that the Chief Finance Officer should request Notice of all conference meetings scheduled with the Staff at the BPU, Rate Counsel or OAL hearings, before same are to be held as part of the Office of Administrative Law process.

BE IT FURTHER RESOLVED, that Ramesh Bhatia, P.E. representing the Marlboro Township Water Utility Division be notified of all prehearing and conference meetings and copied on all correspondence regarding this petition.

BE IT FURTHER RESOLVED that certified copies of this resolution be provided to the following:

- a. Business Administrator
- b. Chief Financial Officer
- c. Township Attorney

The following Resolution #2012-107 (Award of Bid - Ambulance) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-107

A RESOLUTION AWARDING CONTRACT TO FIRST PRIORITY
EMERGENCY VEHICLES FOR THE PROVISION OF
ONE (1) NEW 2010 OR NEWER TYPE III AMBULANCE

WHEREAS, the Township of Marlboro as part of its 2011 capital program (105-1) authorized the acquisition of a replacement ambulance for the Department of Public Safety; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ONE (1) NEW 2010 OR NEWER TYPE III AMBULANCE, and on January 24, 2012, received one (1)

bids therefor; and

WHEREAS, the bid received was as follows:

COMPANY	PRICE
FIRST PRIORITY EMERGENCY VEHICLES 2444 RIDGEWAY BLVD, BLDG 500 MANCHESTER, NJ 08759	\$159,867.00

WHEREAS, it has been determined that the submission of the lowest bidder, FIRST PRIORITY EMERGENCY VEHICLES is responsive as detailed in a February 9, 2012 memo drafted by the Director of Public Works; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to FIRST PRIORITY EMERGENCY VEHICLES whose address is 2444 RIDGEWAY BLVD, BLDG 500, MANCHESTER, NJ 08759 for the PROVISION OF ONE (1) NEW 2010 OR NEWER TYPE III AMBULANCE, for a contract amount at the unit prices specified in the bid proposal not to exceed \$159,867.00; and

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

BE IT FURTHER RESOLVED funds in the amount of \$159,867.00 have been certified in Capital Account # C-04-11-002-950 by the Chief Financial Officer; and

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

- a. FIRST PRIORITY EMERGENCY VEHICLES
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca): Res. #2012-108 (Raffle License St. Gabriels Church - Carnival Wheels),

Res. #2012-109 (Raffle License St. Gabriels Church - on premise merch), Res. #2012-110 (Raffle License St. Gabriels Church - On premise 50/50), Res. #2012-111 (Raffle License St. Gabriels Church - Off Premise 50/50), Res. #2012-112 (Raffle License Dads Gridiron Club, Inc. - baseball), Res. #2012-113 (Raffle License Dads Gridiron Club, Inc. - softball).

RESOLUTION # 2012-108

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 5-2012 (Carnival Wheels and Games) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

May 17, 2011	5PM - 12 PM
May 18, 2011	5PM - 12 PM
May 19, 2011	4PM - 12 AM
May 20, 2011	12PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2012-109

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 6-2012 (On Premise Merchandise) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

May 17, 2011	5PM - 12 PM
May 18, 2011	5PM - 12 PM
May 19, 2011	4PM - 12 AM
May 20, 2011	12PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746

RESOLUTION # 2012-110

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 7-2012 (On Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

May 17, 2011	5PM - 12 PM
May 18, 2011	5PM - 12 PM
May 19, 2011	4PM - 12 AM
May 20, 2011	12PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2012-111

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 8-2012 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on May 20, 2012 at approximately 7:30 PM at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2012-112

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 9-2012 (Off premise Merchandise - baseball) be and it is hereby granted to Dads Gridiron Club, Inc., 59 Points Road, Colts Neck, NJ 07722.

BE IT FURTHER RESOLVED that said Raffle will be held on May 25, 2012 at 7:00 PM at 56 Ottawa Road South, Marlboro, NJ 07746.

RESOLUTION # 2012-113

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 10-2012 (Off premise Merchandise - softball) be and it is hereby granted to Dads Gridiron Club, Inc., 59 Points Road, Colts Neck, NJ 07722.

BE IT FURTHER RESOLVED that said Raffle will be held on May 25, 2012 at 5:00 PM at 56 Ottawa Road South, Marlboro, NJ 07746.

At 7:45 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca).

MINUTES APPROVED: April 12, 2012

OFFERED BY: Metzger AYES: 4

SECONDED BY: Marder NAYS: 0

ABSTAIN: La Rocca

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT