

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 3, 2013

The Marlboro Township Council held its reorganization Council Meeting on January 3, 2013 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 this reorganization 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, 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 and Council President Cantor.

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.

The following Resolution #2012-440 (Authorizing 2012 Budget Transfers) 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 # 2012-440

RESOLUTION AUTHORIZING 2012 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 cancel the following 2012 budget transfer authorized at the meeting of December 20, 2012:

CURRENT FUND

FROM

911 Expenses SW	2-01-	-312-101	20,000.00
911 Expenses OE	2-01-	-312-281	10,000.00
			30,000.00

TO

Police	2-01-	-106-101	30,000.00
			30,000.00

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2012 Municipal Budget appropriations as follows:

CURRENT FUND

FROM

Group Health Insurance	2-01-	-100-204	30,000.00
			30,000.00

TO

Police	2-01-	-106-101	30,000.00
			30,000.00

WATER UTILITY FUND

FROM

Operating-Engineer Svcs	2-05-	-500-280	10,000.00
			10,000.00

TO

Salaries & Wages FT	2-05-	-500-101	10,000.00
			10,000.00

The following Resolution #2012-441 (Cancelling 2012 Checks) 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 # 2012-441

WHEREAS, checks have been outstanding in bank accounts of the Township of Marlboro, Monmouth County, State of New Jersey, and

WHEREAS, the Township needs to cancel such outstanding checks, 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;

Check Number Check Date Check Amount

Court Bail Account

1268	8/3/2010	\$ 11.00
1338	9/23/2010	1,500.00
1406	10/25/2010	1.00
1593	2/8/11	267.00
1669	3/9/11	11.00
1763	5/2/11	5.00
1792	5/16/11	6.00
1925	7/25/2011	6.00
1940	8/2/2011	31.00
1942	8/2/2011	9.00
2039	9/20/2011	11.00
2072	10/13/11	1,000.00
Total		2,858.00

Court General Account

0022	1/24/2012	\$ 10.00
0023	1/24/2012	1.00
0087	7/17/2012	10.00
Total		21.00

The following Resolution #2013-1 (Election of Council President) 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 # 2013-1

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, FRANK LA ROCCA shall serve as the Council President of the Marlboro Township Council.

The following Resolution #2013-2 (Election of Council Vice President) 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 # 2013-2

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, RANDI MARDER shall serve as the Council Vice President.

The following Resolution #2013-3 (Confirmation of Appointments of Municipal Officials) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-3

RESOLUTION CONFIRMING APPOINTMENT OF MUNICIPAL
OFFICIALS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Mayor Jonathan Hornik has appointed Adrienne Spota as Deputy Registrar of Vital Statistics for the Township of Marlboro for a three year 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, 2013; and

WHEREAS, Mayor Jonathan Hornik has appointed Michael DuPont as Public Defender for the Township of Marlboro for a term ending on December 31, 2013; 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 Adrienne Spota as Deputy Registrar of Vital Statistics for a term ending on December 31, 2015 and Nicole Sonnenblick as Municipal Prosecutor and Michael Dupont as Public Defender, for terms ending on December 31, 2013.

The following Resolution #2013-4 (Advising and Consenting to Appointment of Municipal Judge - James Newman - three year term) was introduced by reference, offered by Councilman Cantor, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-4

RESOLUTION ADVISING AND CONSENTING TO THE APPOINTMENT
OF JAMES NEWMAN AS MUNICIPAL COURT JUDGE

WHEREAS, pursuant to Section 4-39 of the Marlboro Township Code and N.J.S.A. 2B:12-4, the Mayor has advised the Township Council that he wishes to appoint JAMES NEWMAN, as Municipal Court Judge for the Township of Marlboro, subject to receiving the advice and consent of the Township Council; and

WHEREAS, the Township Council desires to provide its advice and consent to the appointment of JAMES NEWMAN as Municipal Court Judge for the Township of Marlboro.

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 JAMES NEWMAN, as the Municipal Court Judge for the Township of Marlboro for a three year term beginning January 1, 2013 expiring December 31, 2015 or until his successor shall be qualified and appointed.

The following Resolution #2013-5 (Authorizing Contract Bond Counsel) was introduced by reference, offered by Councilman Metzger, seconded by Council President LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-5

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

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

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

WHEREAS, the Township received a proposal dated November 15, 2012 (the "Proposal") from DeCotiis, FitzPatrick & Cole, LLP (the "Business Entity") in response to Request for Qualifications for bond counsel services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

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

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

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

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

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

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

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-

5(1) (a) (i) and shall provide for compensation at the rates set forth in the proposal dated November 15, 2012, 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. Township Administrator
- b. Chief Financial Officer
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2013-6 (Authorizing Contract Township Attorney Services) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-6

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, 2013 through December 31, 2015; and

WHEREAS, such appointment received the advice and consent of the Township Council by Resolution #2012-6; and

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

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

WHEREAS, the Township received proposals dated November 15, 2012 (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 2013 Municipal Budget; and

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

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

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

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

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-

5(1) (a) (i) and shall provide for compensation at the rates set forth in the proposals dated November 15, 2012, 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. Business Administrator
- b. DeCotiis, FitzPatrick & Cole, LLP
- c. Township Chief Financial Officer

The following Resolution #2013-7 (Authorizing Contract Legal Defense Affordable Housing Lawsuits) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-7

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

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such legal services, and accordingly, such services

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

WHEREAS, the Township received proposals dated November 15, 2012 (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 2013 Municipal Budget; and

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

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

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

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

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposals dated November 15, 2012, 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. Business Administrator
- b. DeCotiis, FitzPatrick & Cole, LLP
- c. Chief Financial Officer

The following Resolution #2013-8 (Authorizing Contract Township Engineer) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-8

RESOLUTION APPOINTING CME ASSOCIATES AS TOWNSHIP
ENGINEER AND AUTHORIZING A PROFESSIONAL SERVICES
CONTRACT THEREFOR FOR THE YEAR 2013

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 November 28, 2012 (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 2013 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 November 28, 2012, 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. Township Administrator
- b. CME ASSOCIATES
- c. Chief Financial Officer

The following Resolution #2013-9 (Authorizing Contract Township Planner) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-9

RESOLUTION AWARDING A PROFESSIONAL SERVICES
CONTRACT TO CME ASSOCIATES AS TOWNSHIP PLANNER
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2013

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 November 28, 2012 (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 2013 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 November 28, 2012, 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. Business Administrator
- b. Division of Engineering
- c. CME ASSOCIATES
- d. Township Chief Financial Officer

The following Resolution #2013-10 (Authorizing Conflict Planner Services As Needed Basis) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-10

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT
TO HEYER, GRUEL & ASSOCIATES FOR PLANNING SERVICES
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2013

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 13, 2012 (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, 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 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 13, 2012, 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. Business Administrator
- b. Heyer Gruel & Associates
- c. Chief Financial Officer

The following Resolution #2013-11 (Authorizing Contract Special Counsel for Affordable Housing) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-11

RESOLUTION AWARDING A PROFESSIONAL SERVICES
CONTRACT TO KENNETH BIEDZYNSKI, ESQ. OF THE
FIRM OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI,
LLC AS SPECIAL COUNSEL FOR AFFORDABLE HOUSING
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2013

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 November 27, 2012 (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 2013 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 November 27, 2012, 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. Business Administrator
- b. Goldzweig, Green, Eiger & Biedzynski, LLC
- c. Chief Financial Officer

The following Resolution #2013-12 (Authorizing Contract Special Counsel for Ethics Board) was introduced by reference, offered by Councilman Metzger, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-12

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC FOR THE PROVISION OF ETHICS BOARD COUNSEL SERVICES FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2013

WHEREAS, the Township requires the services of an attorney as Ethics Board Counsel for the Township of Marlboro, 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 November 27, 2012 (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 2013 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 November 27, 2012, 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. Business Administrator
- b. Goldzweig, Green, Eiger & Biedzynski, LLC
- c. Township Chief Financial Officer

The following Resolution #2013-13 (Authorizing Contract Special Tax Counsel) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-13

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

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

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

WHEREAS, the Township received a proposal dated November 26, 2012 (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 2013 Municipal Budget; and

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

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

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

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

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 26, 2012, 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. Business Administrator
- b. Tax Assessor
- c. Cleary, Giacobbe, Alfieri, Jacobs, LLC
- d. Chief Financial Officer

The following Resolution #2013-14 (Authorizing Contract Conflict Special Tax Counsel) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-14

A RESOLUTION AUTHORIZING THE APPOINTMENT OF
AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT
WITH STEVEN P. SUKEL, ESQ, P.C., TO ACT AS
SPECIAL TAX CONFLICT COUNSEL

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

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

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

WHEREAS, the Township received a proposal dated November 27, 2012 (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, funds will be certified by the Chief Financial Officer for this purpose upon adoption of the 2013 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 STEVEN P. SUKEL, ESQ, P.C. pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 27, 2012, a copy of which is attached hereto, in an amount not to exceed \$10,000.00; 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. Business Administrator
- b. Tax Assessor
- c. Steven P. Sukel, Esq., P.C.
- d. Chief Financial Officer

The following Resolution #2013-15 (Authorizing Contract Auditor) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-15

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 2012 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 October 2012; and

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

WHEREAS, the Township received a proposal dated November 26, 2012 (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 2013 Municipal Budget; and

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

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

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

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

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 26, 2012, a copy of which is attached hereto, in an amount not to exceed \$45,900.00 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. Business Administrator
- b. Chief Financial Officer
- c. Wiss & Company, LLP

The following Resolution #2013-16 (Authorizing Contract Risk Management Services) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-16

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

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

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

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

WHEREAS, the Township received proposals dated November 26, 2012 (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, 2013 and terminating on December 31, 2013, 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. Business Administrator
- d. Township Chief Financial Officer

The following Resolution #2013-17 (Authorizing Contract - Cable Television Station) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-17

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT
TO CURT CIUMEI OF MV DIGITAL PRODUCTIONS, LLC FOR THE
PROVISION OF SERVICES FOR THE OPERATION OF THE TOWNSHIP
OF MARLBORO CABLE TELEVISION STATION

WHEREAS, the Township requires special services for the operation of the Township of Marlboro Cable Television Station, 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, pursuant to 40A:11-2(6), Professional Services are defined as services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, the Township received a proposal dated November 9, 2012 (the "Proposal") from MV DIGITAL PRODUCTIONS, LLC (the "Business Entity") in response to a Request for Qualifications for special services for the operation of the Township of Marlboro Cable Television Station 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 made available and certified by the Chief Financial Officer upon adoption of the 2013 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 MV DIGITAL PRODUCTIONS, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 9, 2012, a copy of which is attached hereto, in an amount not to exceed \$23,000.00; 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. Township Administrator

- b. Information Technology
- c. MV Digital Productions, LLC
- d. Chief Financial Officer

The following Resolution #2013-18 (Tax Map Services) 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 # 2013-18

RESOLUTION AUTHORIZING A CONTRACT WITH ADAMS, REHMANN & HEGGAN ASSOCIATES, INC FOR THE MAINTENANCE OF THE TAX MAP OF THE TOWNSHIP OF MARLBORO FOR THE YEAR 2013 AS AN EXCEPTION TO THE COMPETITIVE PUBLIC BIDDING PROCESS UNDER N.J.S.A. 40A:11-5(d)

WHEREAS, the Township of Marlboro requires tax map maintenance 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 are exceptions pursuant to N.J.S.A. 40A:11-5(d) and may be awarded without competitive bidding therefor; and

WHEREAS, the Township received proposals dated November 28, 2012 (the "Proposal") from ADAMS, REHMANN & HEGGAN ASSOCIATES, INC (the "Business Entity") in response to a Request for Qualifications for THE MAINTENANCE OF THE TAX MAP OF THE TOWNSHIP OF MARLBORO 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 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, funds will be made available and certified by the Chief Financial Officer upon adoption of the 2013 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, in accordance with the Local Public Contracts Law, hereby authorizes and approves the execution of an agreement with ADAMS, REHMANN & HEGGAN ASSOCIATES, INC FOR THE MAINTENANCE OF THE TAX MAP OF THE TOWNSHIP OF MARLBORO, beginning January 1, 2013 and terminating on December 31, 2013, 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(d) and in accordance with the terms of the Contract, in an amount not to exceed \$17,500.00; 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(d); 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. Business Administrator
 - b. Adams, Rehmannn & Hegan Associates, INC
 - c. Tax Assessor
 - d. Township Chief Financial Officer

The following Resolution #2013-19 (Authorizing Contract - Appraisal Services - Open Space and Farmland Preservation) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-19

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BETTINA DURMASKIN SHOLK AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES IN SUPPORT OF THE PRESERVATION OF FARMLAND AND OPEN SPACE

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

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

WHEREAS, the Township received a proposal dated October 25, 2012 (the "Proposal") from BETTINA DURMASKIN SHOLK (the "Business Entity") in response to a Request for Qualifications for appraisal services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

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

WHEREAS, funds are available for this purpose in account # C-04-11-004-900; and

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

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

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

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

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated October 25, 2012, a copy of which is attached hereto, in an amount not to exceed \$10,000.00; 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. Business Administrator
- b. Bettina Durmaskin Sholk
- c. Township Chief Financial Officer

The following Resolution #2013-20 (Authorizing Contract - Appraisal Services - Open Space and Farmland Preservation) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-20

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT STERLING, DISANTO & ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES IN SUPPORT OF THE PRESERVATION OF FARMLAND AND OPEN SPACE

WHEREAS, the Township requires real estate appraisal services in connection with the acquisition of certain parcels,

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

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

WHEREAS, the Township received a proposal dated November 28, 2012 (the "Proposal") from STERLING, DISANTO & ASSOCIATES (the "Business Entity") in response to a Request for Qualifications for appraisal services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

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

WHEREAS, funds are available for this purpose in account # C-04-11-004-900; 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 STERLING, DISANTO & 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 28, 2012, a copy of which is attached hereto, in an amount not to exceed \$10,000.00; 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. Business Administrator
- b. Sterling, Disanto & Associates
- c. Township Chief Financial Officer

The following Resolution #2013-21 (Class III Member Planning Board) was introduced by reference, offered by Council President LaRocca, seconded by Council President LaRocca, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-21

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

The following Resolution #2013-22 (Appointments to Zoning Board of Adjustment) was introduced by reference, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-22

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 JENNIFER BAJAR 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 MICHAEL SHAPIRO to serve as a regular member of the Marlboro Township Zoning Board of Adjustment for a four-year term; and

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

That it hereby appoints JENNIFER BAJAR and MICHAEL SHAPIRO 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 #2013-23 (Confirming Appointment Agricultural Advisory Committee and Designating Chairperson) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-23

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

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

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

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

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

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

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

The following Resolution #2013-24 (Appointments to Youth Exchange Advisory Committee) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-24

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 undertake the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and the Nanto City, Toyama Prefecture, Japan, Wujiang, China and other cities or regions designated by the Mayor and Township Council; and

WHEREAS, pursuant to Section 4-100(C)(1) of the Code, the Youth Exchange Advisory Committee shall consist of up to but not more than 14 members appointed by the Township Council; and

WHEREAS, pursuant to Section 4-100(C)(4) of the Code, the Township Council shall designate one of the members to serve as Chair and presiding officer of the Youth Exchange Advisory Committee for a term of one (1) year; and

WHEREAS, pursuant to Section 4-100(C)(5) of the Code, the first members of the Youth Exchange Advisory Committee shall be appointed for the following terms:

- (a) Three members for the term expiring December 31, 2013.
- (b) Four members for the term expiring December 31, 2014.
- (c) Four members for the term expiring December 31, 2015.
- (d) Three members for terms expiring on December 31, 2016.

WHEREAS, the Township Council now desires to appoint the members and 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 AMY BOUER and BONNIE SUE ROSENWALD be appointed to the Youth Exchange Advisory Committee for a one (1) year term expiring December 31, 2013, CINDY SARNA and SHITAL RAJAN be appointed to the Youth Exchange Advisory Committee for a term of two (2) years expiring December 31, 2014, HUIMIN SHEN and RITA SCALZO be appointed to the Youth Exchange Advisory Committee for a term of three (3) years expiring December 31, 2015 and CYNTHIA SIKORA and ILANA KATS be appointed to the Youth Exchange Advisory Committee for a term of four (4) years expiring December 31, 2016; and

BE IT FURTHER RESOLVED, that the Township Council designates CYNTHIA SIKORA as Chairperson of the Youth Exchange Advisory Committee for a term of one (1) year expiring December 31, 2013.

The following Resolution #2013-25 (Designating Community Development Representative and Alternate) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-25

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 2013.

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 #2013-26 (Designating Coordinator of Compliance with ADA 2013 and Deputy) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-26

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 2013

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 #2013-27 (Appointment of Council Liaisons) was introduced by reference, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-27

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 and Swim	
Advisory Committee	- Frank LaRocca
W.M.U.A.	- Joseph Pernice
Senior Advisory Committee	- Carol Mazzola
Marlboro Board of Education	- Frank LaRocca
Freehold Regional Board of	
Education	- Bonnie Sue Rosenwald
Environmental Commission	- Carol Mazzola

Youth Exchange Advisory	- Jeff Cantor
Economic Development	- Carol Mazzola
Veterans & Volunteers Com.	- Jeff Cantor
Teen Advisory	- Scott Metzger
Historical Commission	- Patrick Pentland
Marlboro Drug Alliance	- Randi Marder
Affordable Housing	- Scott Metzger
Shade Tree	- Randi Marder
Local Emergency Planning Committee	- Jeff Cantor
Police Dept.	- Jeff Cantor
Dept. of Public Works	- Frank LaRocca
Green Team	- Adrienne Spota
Ethics Board	- Carol Mazzola

The following Resolution #2013-28 (Meeting Dates - 2013) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-28

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 2013. 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 24, 2013
February 7, 2013	February 21, 2013
March 14, 2013	
April 4, 2013	April 18, 2013
May 2, 2013	May 16, 2013
June 13, 2013	June 27, 2013
July 18, 2013	
August 1, 2013	
September 12, 2013	September 26, 2013
October 10, 2013	October 24, 2013

November 14, 2013

December 5, 2013

December 19, 2013

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2013-29 (Order of Business of Council Meetings), Res. #2013-30 (Officials Newspapers), Res. #2013-31 (Duplicate Bills), Res. #2013-32 (Appointing Tax Search Officer), Res. #2013-33 (Rate of Interest - Delinquent Taxes), Res. #2013-34 (Authorizing Return Check Fee for Tax Collector), Res. #2013-35 (Cancelling Balances under \$5), Res. #2013-36 (Continuation of Bonds - Officers and Employees), Res. #2013-37 (Designating Municipal Clerk/ Certificate of Searches), Res. #2013-38 (Temporary Budget Current - 26.25%, Recreation and Swim Utility and Water Utility), Res. #2013-39 (Cash Management Plan), Res. #2013-40 (Continuation of Petty Cash Funds), Res. #2013-41 (Authorizing Bus. Admin. Execute Contracts up to \$17,500), Res. #2013-42 (Authorizing Tax Assessor to Perform Various Duties), Res. #2013-43 (Authorizing Tax Collector to enter into installment payment agreements for delinquent water charges), Res. #2013-44 (Establish rates payable for inspection services performed outside of township's normal business hours and days of operation), Res. #2013-45 (Authorizing Water Installment Agreement - Farghani) and #2013-46 (Authorizing Mortgage Subordination Agreement - 805 Mariposa Court).

RESOLUTION # 2013-29

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 2013:

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.

RESOLUTION # 2013-30

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 2013:

ASBURY PARK PRESS
NEWARK STAR LEDGER

RESOLUTION # 2013-31

BE IT RESOLVED by the Township Council of the Township of Marlboro that the cost charged by the Tax Collector for Duplicate Bills for 2013 be as follows:

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

RESOLUTION # 2013-32

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 # 2013-33

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 3, 2013.

RESOLUTION # 2013-34

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 # 2013-35

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 2012 & 2013.

RESOLUTION # 2013-36

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 2013.

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 # 2013-37

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 # 2013-38

RESOLUTION ADOPTING A TEMPORARY BUDGET CALENDAR YEAR 2013

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 2013 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 2013 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 2013 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 2013 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.

	2012 Budget	2013 Temporary Budget
Current Fund		
Administration (30)		
Salary & Wages	223,990.00	55,997.50
Other Expenses	108,002.00	27,000.50
Office of the Mayor (10)		
Salary & Wages	57,780.00	14,445.00
Other Expenses	3,044.00	761.00

Ethics Commission		
Salary & Wages		
Other Expenses	4,290.00	1,072.50
Township Council (21)		
Salary & Wages	18,000.00	4,500.00
Other Expenses	1,025.00	256.25
Municipal Clerk (20)		
Salary & Wages	206,978.00	51,744.50
Other Expenses	51,708.00	12,927.00
Finance		
Salary & Wages	199,988.00	49,997.00
Other Expenses	13,660.00	3,415.00
Annual Audit	38,848.00	0.00
Central Computer Services		
Salary & Wages	112,213.00	28,053.25
Other Expenses	65,200.00	16,300.00
Tax Collector		
Salary & Wages	125,941.00	31,485.25
Other Expenses	29,825.00	7,456.25
Tax Assessor		
Salary & Wages	144,412.00	36,103.00
Other Expenses	56,076.00	14,019.00
Legal Services		
Other Expenses	389,000.00	97,250.00
Engineering Services		
Salary & Wages	171,875.00	42,968.75
Other Expenses	112,237.00	28,059.25
Economic Development		
Salary & Wages		
Other Expenses	21,225.00	5,306.25
Cable Studio		
Salary & Wages		
Other Expenses	38,439.00	9,609.75
Inter- Governmental Relations		
Other Expenses	1,000.00	250.00
Historic Sites Commission		
Other Expenses	2,250.00	562.50
Planning Board		

Salary & Wages	63,356.00	15,839.00
Other Expenses	61,974.00	15,493.50
Planning Board Contractual		
Other Expenses	88,400.00	22,100.00
Zoning Board		
Salary & Wages	157,295.00	39,323.75
Other Expenses	49,353.00	12,338.25
Liability Insurance	425,276.00	265,000.00
Workers Comp	475,669.00	265,000.00
Group Insurance	2,408,458.00	750,000.00
Health Insurance Waivers	38,400.00	9,600.00
Unemployment Insurance	25,000.00	6,250.00
Police		
Salary & Wages	8,180,122.00	2,045,030.50
Other Expenses	304,542.00	76,135.50
Emergency Management		
Salary & Wages	23,000.00	5,750.00
Other Expenses	7,085.00	1,771.25
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	145,457.00	36,364.25
Other Expenses	16,431.00	4,107.75
Municipal Prosecutors Office		
Salary & Wages	30,000.00	7,500.00
Streets and Road Maint		
Salary & Wages	1,389,504.00	347,376.00
Other Expenses	75,520.00	18,880.00
Snow Removal		
Salary & Wages	103,000.00	25,750.00
Other Expenses	550,387.00	137,596.75
Public Works – Other		
Salary & Wages	268,159.00	67,039.75
Other Expenses	65,650.00	16,412.50
Shade Tree Commission		
Salary & Wages		
Other Expenses	2,820.00	705.00

Solid Waste Collection		
Salary & Wages	15,822.00	3,955.50
Other Expenses	442,100.00	110,525.00
Buildings & Grounds		
Salary & Wages	253,196.00	63,299.00
Other Expenses	180,534.00	45,133.50
Vehicle Maintenance		
Salary & Wages	363,164.00	90,791.00
Other Expenses	147,160.00	36,790.00
Community Services Act		
Other Expenses	90,375.00	22,593.75
Open space Committee		
Other Expenses	1,000.00	250.00
Public Health Services - Registrar		
Salary & Wages	21,500.00	5,375.00
Other Expenses	1,551.00	387.75
Drug Abuse Control		
Salary & Wages	8,997.00	2,249.25
Other Expenses	15,151.00	3,787.75
Environmental Health Services		
Salary & Wages	2,000.00	500.00
Other Expenses	986.00	246.50
Animal Control Services		
Other Expenses	54,764.00	13,691.00
Recreation		
Salary & Wages	244,558.00	61,139.50
Other Expenses	86,867.00	21,716.75
Teen Program		
Salary & Wages		
Other Expenses	4,000.00	1,000.00
Park Maintenance		
Salary & Wages	380,678.00	95,169.50
Other Expenses	68,260.00	17,065.00
Municipal Library		
Other Expenses	10,000.00	2,500.00
Prior Year Bills	7,500.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Postage		

Other Expenses	53,346.00	13,336.50
Electricity	310,082.00	77,520.50
Street Lighting	681,507.00	170,376.75
Telephone	105,364.00	26,341.00
Water	27,063.00	6,765.75
Natural Gas	74,333.00	18,583.25
Sewer	10,035.00	2,508.75
Gasoline	443,793.00	110,948.25
Landfill Disposal Costs	188,440.00	47,110.00
PERS	841,985.00	0.00
DCRP	500.00	200.00
FICA	1,126,172.00	281,543.00
Contingent	10,000.00	0.00
Municipal Court		
Salary & Wages	278,794.00	69,698.50
Other Expenses	40,505.00	10,126.25
Public Defender		
Salary & Wages	16,244.00	4,061.00
Other Expenses		0.00
Group Insurance	513,482.00	0.00
Affordable Housing		
Salary & Wages	4,000.00	1,000.00
Other Expenses		
Police Dispatch 911		
Salary & Wages	721,864.00	180,466.00
Other Expenses	200,127.00	50,031.75
LOSAP		
Other Expenses	90,000.00	0.00
PFRS		
Other Expenses	1,795,528.00	0.00
SFSP Fire District Payments		
Other Expenses	10,583.00	0.00
Clean Communities Act	70,115.09	0.00

Monmouth Drug & Alcohol Grant Share	28,547.00	0.00
Local Share	7,137.00	0.00
Recycling tonnage Grant	47,902.11	0.00
Body Armor Grant	6,208.90	0.00
Click It or Ticket	4,000.00	0.00
COPS In SHOPS grant	2,000.00	0.00
Green Communities Grant	3,000.00	0.00
Alcohol Rehab Grant	647.22	0.00
Capital Improvement Fund Other Expenses	150,000.00	0.00
Bond Principal	1,350,000.00	0.00
Bond Interest	815,600.00	0.00
Note Interest	104,000.00	0.00
Green Acres Trust - P & I	28,865.00	14,450.00
Capital Lease program Principal	198,400.00	0.00
Interest	16,002.00	4,200.00
Emergency Authorizations	200,000.00	0.00
Deferred Charges	200,000.00	0.00
Reserve for Uncollected Taxes	2,208,599.00	0.00
Totals	32,597,797.32	6,418,336.25
Water Utility		
Salary & Wages	845,642.02	211,410.51
Other Expenses	4,947,993.95	1,236,998.49
Capital Improvement fund Capital Outlay	5,000.00	0.00
Payment of Bond Principal	2,150,000.00	0.00



Payment of Bond Anticipation Notes		
Payment of Bond Interest	726,600.00	0.00
Payment of Note Principal	12,285.00	0.00
Public Employees Retirement System	94,204.52	0.00
FICA	64,691.61	16,172.90
Unemployment Insurance	10,000.00	2,500.00
Emer Auth - Hurricane Sandy	0.00	
Surplus (General Budget)		
Total	8,856,417.10	1,467,081.90
Recreation and Swim Utility		
Salaries & Wages		437,500.00
Other Expenses		430,000.00
Capital Outlay		1,500.00
Social Security		25,000.00
Total		894,000.00

RESOLUTION # 2013-39

RESOLUTION ESTABLISHING A CASH MANAGEMENT PLAN AND NAMING
OFFICIAL DEPOSITORIES FOR THE TOWNSHIP OF MARLBORO FOR 2013

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 2013.

"Cash Management Plan on file in Clerk's office.

RESOLUTION # 2013-40

RESOLUTION AUTHORIZING PETTY CASH FUND FOR CALENDAR YEAR 2013

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

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

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

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

<u>DEPARTMENT</u>	<u>2012 LEVEL</u>	<u>2013 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 # 2013-41

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

RESOLUTION AUTHORIZING THE TAX ASSESSOR TO PERFORM
VARIOUS DUTIES ASSOCIATED WITH HER 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.

RESOLUTION # 2013-43

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE
TOWNSHIP OF MARLBORO TO ENTER INTO INSTALLMENT PAYMENT
AGREEMENTS FOR PROPERTY TAX ARREARS AND DELINQUENT
WATER CHARGES IN AN AMOUNT NOT TO EXCEED ONE THOUSAND
(\$1,000.00) DOLLARS

WHEREAS, N.J.S.A. 54:5-19 authorizes installment payment agreements for property tax arrears and other charges which would be a lien against real property such as delinquent water charges; and

WHEREAS, Kelly A. Hahn, the Tax Collector of the Township of Marlboro, has requested approval from the Township Council to enter into installment payment agreements for property tax arrears and/or delinquent water charges in cases of hardship provided the amount of the arrears or delinquent charges do not exceed One Thousand (\$1,000.00) Dollars; and

WHEREAS, the installment payment agreements must provide payments large enough to pay back the tax arrears or delinquent charges and must require that all taxes or other charges are kept current as they come due; and

WHEREAS, the installment payment agreements must be reduced to a written agreement signed by the property owner.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that it hereby grants its authority to Kelly A. Hahn, the Tax Collector of the Township of Marlboro to enter into installment payment agreements for tax arrears and delinquent water charges in the case of hardships in an amount not to exceed One Thousand (\$1,000.00) Dollars and said installment payment agreements are to provide that all taxes or other charges are to be kept current as they become due and shall require prompt payments of the installment payments agreed to; and

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

- a. Township Business Administrator

- b. Chief Financial Officer
- c. Kelly A. Hahn, Tax Collector

RESOLUTION # 2013-44

RESOLUTION ESTABLISHING RATES PAYABLE FOR INSPECTION
SERVICES PERFORMED OUTSIDE OF THE TOWNSHIP'S NORMAL
BUSINESS HOURS AND DAYS OF OPERATION

WHEREAS, the Code of the Township of Marlboro establishes the Department of Community Development in Section 4-65 which consists of the Division of Engineering, the Division of Planning, the Division of Zoning/Code Enforcement and the Division of Uniform Construction Code; and

WHEREAS, upon occasion, there is a need for special inspections to be performed by the Department of Community Development outside of the Township's normal business hours and days of operation; and

WHEREAS, there is a need to establish the rate to be charged for the Department of Community Development providing inspection services outside of the normal business hours and days of operation of the Township; and

WHEREAS, the Chief Financial Officer has calculated that the rate to be charged for such special inspections outside of the normal business hours and days of operation is \$85.00 per hour for a Sub-Code Official and \$70.00 per hour for an Inspector; and

WHEREAS, the rate to be charged for such special inspections outside of the normal business hours and days of operation of the Township shall be charged at a minimum of two hours per discipline times the applicable rate.

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 fees to be charged for inspections performed by the Department of Community Development outside of the normal business hours and days of operation of the Township of Marlboro shall be \$85.00 per hour for a Sub-Code Official and \$70.00 per hour for an Inspector with a minimum charge of two hours per discipline for such special inspections; and

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

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

RESOLUTION # 2013-45

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 A. Capp, Township Business Administrator
- b. Kelly A. Hahn, Township Tax Collector
- c. Ulrich Steinberg, Township Chief Financial Officer
- d. Obaid Farghani & Saima Obaid(Customer)

A RESOLUTION OF THE TOWNSHIP OF MARLBORO TOWN COUNCIL AUTHORIZING
A SUBORDINATION OF A REPAYMENT MORTGAGE DATED JUNE 30, 1993, ON A
PROPERTY LOCATED AT 805 MARIPOSA COURT, MARLBORO, NEW JERSEY, AND
OWNED BY CHRISTINA M. FERRERO

WHEREAS, on or about July 8, 1993, Christine M. Ferrero ("the Homeowner"), purchased a residence at 805 Mariposa Court in the Township of Marlboro, Block 176, Lot 7 C0805 ("the Residence") with said deed being recorded on July 20, 1993, in the Monmouth County Clerk's Office in deed book 5383, at page 870 et seq.; and

WHEREAS, the Residence is an affordable unit and it is located within the Pointe De Jardin condominium complex and as such, the Residence is subject to affordability controls; and

WHEREAS, at the time of the foregoing purchase the Homeowner had executed an affordable housing agreement which was dated June 30, 1993, with said agreement being recorded in the clerk's office of the County of Monmouth on July 20, 1993, at deed book 5233, at page 0230 et seq.; and

WHEREAS, at the time of the foregoing purchase the Homeowner also executed a repayment mortgage which was dated June 30, 1993, with said mortgage being recorded in the clerk's office of the County of Monmouth on July 20, 1993, at deed book 5383, at page 0870 et seq. (hereinafter "the Repayment Mortgage"); and

WHEREAS, subsequently, the Homeowner took out a first mortgage in the amount of \$65,000.00 against the Residence with said mortgage being given to J.P. Morgan Chase Bank, N.A. on or about June 11, 2008, with said mortgage being recorded on June 30, 2008, in the Monmouth County Clerk's Office in deed book OR-8729, at page 3885 et seq.; and

WHEREAS, as a condition of the foregoing loan in the amount of \$65,000.00, Marlboro Township agreed to subordinate the Repayment Mortgage with said subordination agreement being dated May 19, 2008, and with it being recorded in the Monmouth County Clerk's Office on June 30, 2008, at deed book OR-8729, at page 3864; and

WHEREAS, now the Homeowner wishes to refinance the 2008 J.P. Morgan Chase loan with a new lender known as Wells Fargo, N.A.; and

WHEREAS, the amount of the proposed refinance is \$71,000.00; and

