

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JANUARY 4, 2007

The Marlboro Township Council held its reorganization meeting on January 4, 2007 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli 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 18, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal (8:15am), Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Resolution # 2006-458 (Swim Appropriation Cancellation) was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2006-458

WHEREAS, appropriations exist in the 2006 Swim Operating budget that have been deemed to not be needed for the operations of 2006, and therefore remain unspent, and

WHEREAS, appropriations can be cancelled to surplus in the year budgeted,

NOW, THEREFORE, BE IT RESOLVED that the amount of \$80,000.00 be hereby cancelled and removed from the 2006 Swim Operating Capital Improvement Fund appropriation and credited to the Swim Operating Surplus account.

The following Resolution # 2006-459 (Transfers) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2006-459

RESOLUTION AUTHORIZING TRANSFER
OF APPROPRIATION RESERVES
DURING FIRST THREE MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2006 Municipal Budget) as follow:

From:

Electricity	\$7,000.00
Snow Removal OE	20,000.00
Engineering S&W	13,000.00

To:

Telephone OE	\$7,000.00
Legal OE	20,000.00
Engineering OE	13,000.00

Totals \$40,000.00 \$40,000.00

The following Resolution # 2006-460 (Transfer Snow Removal OE to Reserve) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2006-460

WHEREAS, municipalities are permitted to reserve monies that remain unspent for the purpose of snow removal, and

WHEREAS , the Township of Marlboro has a balance of \$60,000 in Snow Removal S&W and an unencumbered free balance of \$62,845.84 in Snow Removal OE, and

WHEREAS, the Township Council of the Township of Marlboro, Monmouth county, State of New Jersey wishes to transfer some of these monies to a reserved account for the express purpose of snow removal,

NOW, THEREFORE, BE IT RESOLVED that \$60,000 from Snow Removal S&W and \$40,000 from Snow Removal OE be hereby transferred to an account entitled "Reserve for Snow Removal" in the Township Trust Fund.

Regarding Item #7 (PRESENTATION by U.S. Attorney, Hon. Christopher J. Christie) - Mayor Kleinberg spoke about corruption in government and introduced Hon. Christopher Christie who spoke about continuing ethics and honesty in government.

The following Resolution # 2007-1 (Election of Council President - Jeff Cantor) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-1

BE IT RESOLVED by the Township Council of the Township of Marlboro that JEFF CANTOR be elected as Council President of the Marlboro Township Council commencing January 4, 2007.

Sheriff Joseph Oxley administered the Oath of Office to Jeff Cantor. Council President Cantor thanked fellow Council members and his family for their support. He spoke about forthcoming agenda items for 2007 and wished everyone a happy and healthy New Year. He also thanked past Council President Morelli for her hard work and dedication.

The following Resolution # 2007-2 (Election of Council Vice President - Steve Rosenthal) was introduced by reference, offered by Council President Cantor, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-2

BE IT RESOLVED by the Township Council of the Township of Marlboro that STEVE ROSENTHAL be elected as Council Vice President of the Marlboro Township Council commencing January 4, 2007.

Sheriff Joseph Oxley administered the Oath of Office to Steve Rosenthal. Council Vice President Rosenthal thanked all for their support and commitment during 2006 and wished everyone a happy and healthy New Year. He also thanked past Council President Morelli for her enthusiasm and dedication.

Councilman Pernice congratulated Council members on their newly elected positions. He thanked past Council President Morelli for her perseverance and commitment. Councilwoman Tragni echoed Councilman Pernice's sentiments.

The following Resolution # 2007-3 (Appointments Zoning Board of Adjustment) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-3

RESOLUTION APPOINTING ZONING BOARD

OF ADJUSTMENT MEMBERS

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint CINDY SARNA to serve as a regular member of the Zoning Board of Adjustment, for a four (4) year term; and

WHEREAS, the Township Council wishes to appoint JOSEPH SPARACIO to serve as a member of the Zoning Board of Adjustment, for a two-year term as Alternate # 1; and

WHEREAS, the Township Council wishes to appoint MATTHEW WEILHEIMER to serve as a member of the Zoning Board of Adjustment as Alternate #2 to fill the unexpired term of Cindy Sarna, such term to expire December 31, 2007.

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

That it hereby appoints CINDY SARNA, JOSEPH SPARACIO and MATTHEW WEILHEIMER 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 # 2007-4 (Appointment to MTMUA - Jack Williams - five-year term commencing February 1, 2007) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-4

RESOLUTION APPOINTING JACK WILLIAMS TO THE
MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
FOR A TERM OF FIVE YEARS EXPIRING
JANUARY 31, 2012

WHEREAS, the Township Council of the Township of Marlboro desires to appoint JACK WILLIAMS for a term of five years,

commencing February 1, 2007 to the Marlboro Township Municipal Utilities Authority; and

WHEREAS, Township Ordinance 36-2 provides that compensation for these services shall hereinafter be determined by resolution of the Marlboro Municipal Utilities Authority, in the amount not to exceed \$2,000 per year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that JACK WILLIAMS be and hereby is appointed as a member of the Marlboro Township Municipal Utilities Authority for a term of five years commencing February 1, 2007 and ending on January 31, 2012, with compensation for said services to be set in the manner provided in Township Ordinance 36-2 et. seq.; and

BE IT FURTHER RESOLVED, that this appointment is made pursuant to the provisions of Township Ordinance 4-34D(3) & 36-2 and pursuant to the authority of NJSA 40:14B-4.

The following Resolution # 2007-5 (Appointment of Class III Member to Planning Board - Patricia Morelli) was introduced by reference, offered by Councilman Pernice, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-5

BE IT RESOLVED by the Township Council of the Township of Marlboro that PATRICIA MORELLI be and is hereby appointed to the Planning Board, as a Class III member.

The following Resolution # 2007-6 (Appointment of Council Representatives to Marlboro Education & Government Group - Expiring Dec. 31, 2007 - Jeff Cantor & Rosa Tragni) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-6

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Representatives to the Marlboro Education and Government Group, such terms to expire December 31, 2007:

JEFF CANTOR

ROSA TRAGNI

The following Resolution # 2007-7 (Appointment of Council Liaisons term to expire Dec. 2007) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-7

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Liaisons, such terms to expire December 31, 2007:

Open Space Committee	- Steve Rosenthal
MTMUA	- Patricia Korabiak
Recreation Commission	- Steve Rosenthal
Senior Advisory Committee	- Jeff Cantor
Marlboro Board of Education	- Rosa Tragni
Environmental Commission	- Rosa Tragni
Grants	- Patricia Morelli
Swim	- Joseph Pernice

The following Resolution # 2007-8 (Appointments of Youth Exchange Advisory Committee) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-8

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Representatives to the Marlboro Education and Government Group, such terms to expire December 31, 2007:

JEFF CANTOR

ROSA TRAGNI

Councilwoman Morelli motioned to table Resolution # 2007-9 (Appointment of Agricultural Advisory Committee Member - two-year term - Thomas Geran) to be re-introduced prior to the

consent agenda. The motion was seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

The following Resolution # 2007-10 (Advising and Consenting to Appointment of John Lane, Esq. as Municipal Prosecutor) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-10

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT OF
JOHN LANE, ESQ. AS MUNICIPAL PROSECUTOR OF THE
TOWNSHIP OF MARLBORO

WHEREAS, Section 4-71 of the Code of the Township of Marlboro requires the Mayor to appoint a Municipal Prosecutor with the advice and consent of the Township Council; and

WHEREAS, N.J.S.A. 2B:25-4 authorizes a municipality to appoint a municipal prosecutor as necessary to administer justice in a timely and effective manner in its municipal court; and

WHEREAS, Mayor ROBERT KLEINBERG appoints JOHN LANE, ESQ. as the Municipal Prosecutor of the Township of Marlboro, subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of JOHN LANE, ESQ. as the Municipal Prosecutor of the Township of Marlboro for the term and to perform the duties and receive the compensation as provided or permitted by law.

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

- a. John Lane, Esq.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2007-11 (Advising and Consenting to Appointment of Gregory P. McGuckin, Esq. as Public Defender and Gerard L. Del Tufo, Esq. as Alternate) was introduced by

reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-11

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT OF
GREGORY P. MCGUCKIN, ESQ. AS PUBLIC DEFENDER AND
GERARD L. DEL TUFO, ESQ. AS ALTERNATE PUBLIC DEFENDER OF
THE TOWNSHIP OF MARLBORO

WHEREAS, Section 4-34 of the Code of the Township of Marlboro requires the Mayor to appoint a Public Defender with the advice and consent of the Township Council; and

WHEREAS, Mayor ROBERT KLEINBERG has previously advised the Township Council that he is appointing GREGORY P. MCGUCKIN, Esq., as Public Defender of the Township of Marlboro and GERARD L. DEL TUFO, Esq., as Alternate Public Defender subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of GREGORY P. MCGUCKIN, Esq., as Public Defender and GERARD L. DEL TUFO, Esq., as alternate Public Defender for the term and to perform the duties and receive the compensation as provided or permitted by law.

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

- a. Gregory P. McGuckin, Esq.
- b. Gerard L. Del Tufo, Esq.
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2007-12 (Appointment of Township Auditor - Eugene Farrell) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-12

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND EXECUTION
OF A CONTRACT WITH EUGENE FARRELL OF THE FIRM OF
HUTCHINS, FARRELL, MEYER & ALLISON, P.A. TO ACT AS THE
INDEPENDENT TOWNSHIP AUDITOR

WHEREAS, Section 4-32 of the Code of the Township of Marlboro requires the Township Council to appoint an independent township auditor and to enter into an agreement for each calendar year; and

WHEREAS, the Township Council desires to appoint Eugene Farrell of the firm of Hutchins, Farrell, Meyer & Allison, P.A. as the independent township auditor to perform the 2007 audit, along with other special services; and

WHEREAS, Eugene Farrell submitted a proposal dated January 3, 2007, for the provision of such services to the Township Council which is attached hereto and made a part hereof (the "Proposal"); and

WHEREAS, Eugene Farrell is a registered municipal accountant in the State of New Jersey; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and

WHEREAS, Eugene Farrell of the firm of Hutchins, Farrell, Meyer & Allison, P.A. has completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro; and

WHEREAS, Eugene Farrell of the firm of Hutchins, Farrell, Meyer & Allison, P.A. has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Eugene Farrell is hereby appointed as the independent township auditor and the Mayor is hereby authorized to execute a contract between Eugene Farrell of the firm of Hutchins, Farrell, Meyer & Allison, P.A. and the Township of Marlboro perform the 2007 audit for an amount not to exceed \$48,800.00, along with other special services including but not limited to budget preparation assistance with an hourly rate from \$65.00 to \$145.00, in accordance with the Proposal; and

BE IT FURTHER RESOLVED IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01-043-288;

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

- a. Eugene Farrell of Hutchins, Farrell, Meyer & Allison, P.A.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolution # 2007-13(Authorizing Contract - Birdsall Engineering) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-13

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICE CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of a Township Engineer to render professional engineering services; and

WHEREAS, Birdsall Engineering, Inc. has submitted to the Township a Proposal and scope of service fee (the "Proposal"), dated December 27, 2006 which is attached hereto and incorporated herein, to provide the required professional services for an amount not to exceed \$88,800.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering,

Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal for an amount not to exceed \$88,000.00; and

BE IT FURTHER RESOLVED IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01- -060-288; and

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

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer

e. Gluck Walrath, LLP

The following Resolution # 2007-14 (Authorizing Contract Special Counsel - Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Council President Cantor passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-14

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SPECIAL COUNSEL SERVICES BETWEEN THE TOWNSHIP OF MARLBORO AND MATTHEW GIACOBBE, ESQ. OF SCARINCI AND HOLLENBECK, LLC

WHEREAS, there exists a need for the Township Attorney to employ special counsel to provide legal services to the Township of Marlboro with respect to labor matters; and

WHEREAS, the Township Attorney is authorized pursuant to Section 4-70 of the Township Code of the Township of Marlboro and the Professional Services Agreement between the Township of Marlboro and GluckWalrath, LLP to hire such additional counsel as he deems necessary, with the authorization of the Township Council; and

WHEREAS, the Township Attorney has deemed it necessary and in the best interest of the municipality to hire Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC to provide legal services to the Township of Marlboro on labor matters for an amount not to exceed \$50,000.00; and

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500; and,

WHEREAS, Scarinci and Hollenbeck, LLC has completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro; and

WHEREAS, Scarinci and Hollenbeck, LLC has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Attorney is hereby authorized to execute a contract between Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC and the Township of Marlboro for the provision of legal services on labor matters for an amount not to exceed \$50,000.00. Mr. Giacobbe shall perform only those legal services authorized by the Township Attorney; and

BE IT FURTHER RESOLVED IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01- -050-283;

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

- a. Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2007-15 (Authorizing Contract Special Counsel - Fred Semrau, Esq. of Dorsey & Semrau) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-15

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SPECIAL COUNSEL SERVICES BETWEEN THE TOWNSHIP OF MARLBORO AND FRED SEMRAU, ESQ. OF DORSEY & SEMRAU, L.L.C.

WHEREAS, there exists a need for the Township Attorney to employ special counsel to provide legal services to the Township of Marlboro with respect to real estate tax appeal matters; and

WHEREAS, the Township Attorney is authorized pursuant to Section 4-70 of the Township Code of the Township of Marlboro and the Professional Services Agreement between the Township of Marlboro and Gluck Walrath, LLP to hire such additional counsel as he deems necessary, with the authorization of the Township Council; and

WHEREAS, the Township Attorney has deemed it necessary and in the best interest of the municipality to hire Fred Semrau, Esq. of Dorsey & Semrau, L.L.C. to provide legal services to the Township of Marlboro on real estate tax appeal matters for an amount not to exceed \$10,000.00; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Attorney is hereby authorized to execute a contract between Fred Semrau, Esq. of Dorsey & Semrau, L.L.C. and the Township of Marlboro for the provision of legal services on real estate tax appeal matters for an amount not to exceed \$10,000.00. Mr. Semrau shall perform only those legal services authorized by the Township Attorney; and

BE IT FURTHER RESOLVED IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01- -050-283;

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

- e. Fred Semrau, Esq. of Dorsey and Semrau, L.L.C.
- f. Township Business Administrator
- g. Township Chief Financial Officer
- h. Gluck Walrath, LLP

The following Resolution # 2007-16 (Designating Judith Tiernan as Coordinator of Compliance with ADA 2007 - and Robert Di Marco as Deputy) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-16

RESOLUTION DESIGNATING JUDITH TIERNAN AS COORDINATOR OF COMPLIANCE EFFORTS IN CONNECTION WITH THE AMERICAN WITH DISABILITIES ACT AND ROBERT DIMARCO AS DEPUTY OR ALTERNATE COORDINATOR FOR 2007

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

WHEREAS, the Township has, in the past, designated the Township Business Administrator for such purpose and wishes to continue to do so; and

WHEREAS, the Township also wishes to designate an alternate or Deputy ADA Coordinator to work in conjunction with, or in the absence of, as the Coordinator to insure 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. Judith Tiernan be and is hereby designated as Coordinator of compliance efforts in connection with the ADA; and

2. Robert DiMarco is designated as Deputy/Alternate Coordinator of compliance efforts in connection with the ADA.

The following Resolution # 2007-17 (Designating Community Development Representative - Patricia Morelli - and Alternate - Robert DiMarco) was introduced by reference, offered

by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-17

APPOINTING COMMUNITY DEVELOPMENT
REPRESENTATIVE AND ALTERNATE

WHEREAS, there exist in the Township of Marlboro, County of Monmouth, the need for a Community Development Representative and an Alternate Community Representative; and

WHEREAS, Patricia Morelli is qualified for said position of Community Representative; and

WHEREAS, Robert DiMarco is qualified for said position of alternate Community Alternate Representative; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that Patricia Morelli be appointed as Community Development Representative and Robert DiMarco be appointed as Alternate Community Development Representative.

The following Resolution # 2007-18 (Order of Business of Council Meetings) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-18

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 2007:

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. New Business
11. Adjournment of Meeting

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

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

The following Resolution # 2007-19 (Meeting Dates - 2007) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-19

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following dates are to be mailed to the Asbury Park Press and the Star Ledger as scheduled meetings to be held by the Township Council during the year 2007. Any "Special" or "Closed" meeting notices will be mailed at the time of a meeting. All meetings shall be held at 8:00 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

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

WORKSHOP:

REGULAR: January 25, 2007

February 1, 2007

February 15, 2007

March 1, 2007

March 15, 2007

April 12, 2007	April 26, 2007
May 3, 2007	May 17, 2007
June 7, 2007	June 21, 2007
July 12, 2007 (Workshop & Regular)	August 9, 2007 (Workshop & Regular)
September 6, 2007	September 20, 2007
October 4, 2007	October 18, 2007
November 8, 2007	(Workshop & Regular)
December 6, 2007	December 17, 2007

The following Resolution # 2007-20 (Authorization to Bid: 2007 Municipal Purchasing) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-20

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator be and is hereby authorized and directed to advertise for open, competitive bids for the following work, labor and/or materials as required by law:

ALL MUNICIPAL PURCHASING

SCHEDULE "A"

- 1) ADA RENOVATIONS / REPAIRS
- 2) ANIMAL CONTROL
- 3) BUILDING RENOVATIONS/REPAIRS
- 4) BUILDING VIDEO SECURITY SYSTEM
- 5) BUSING SERVICES
- 6) CELL TOWER, CONSTRUCTION
- 7) CELL TOWER, COLOCATION
- 8) CHEMICALS
- 9) COMPUTER/EQUIPMENT
- 10) COMPUTERS
- 11) COPIERS
- 12) CUSTODIAL SERVICES
- 13) DETENTION BASIN MAINTENANCE
- 14) DEFIBRILATORS
- 15) DISCOUNT ON AUTO PARTS
- 16) ELECTRIC SERVICE

- 17) EQUIPMENT, CABLE STUDIO
- 18) EQUIPMENT, DPW
- 19) EQUIPMENT, POLICE
- 20) EQUIPMENT, RECREATION
- 21) EQUIPMENT, SWIM
- 22) GARBAGE COLLECTION/COMMUNITY CLEAN-UP/TOWNSHIP FACILITIES
- 23) GASOLINE, MOTOR OIL, FUEL OIL
- 24) GYPSY MOTH SPRAYING
- 25) HEAVY EQUIPMENT RENTAL
- 26) HVAC SERVICE
- 27) IRRIGATION WELLS
- 28) JANITORIAL SERVICES AND SUPPLIES
- 29) LAWN SERVICE
- 30) LEAF/BRUSH DISPOSAL
- 31) MAINTENANCE AND CLEANING
- 32) MASON CONTRACT
- 33) MICROSURFACING
- 34) MILLING
- 35) PAVING
- 36) POLE BARN
- 37) PRINTING
- 38) RADIO PARTS, REPAIR & EQUIPMENT
- 39) RECREATION EQUIPMENT & SUPPLIES
- 40) RECYCLING
- 41) RENTAL EQUIPMENT & OPERATOR SERVICE, DPW
- 42) ROAD MATERIALS
- 43) ROAD SALT & DEICING MIXTURE
- 44) ROOF REPLACEMENT/REPAIR
- 45) SPORTS FLOORING
- 46) SNOW REMOVAL
- 47) SWIM POOL MAINTENANCE
- 48) SWIM POOL SNACK BAR
- 49) TIRES
- 50) T-SHIRTS
- 51) UNIFORMS
- 52) UNIFORMS UNDER UNION CONTRACT
- 53) UNIFORM CLEANING
- 54) UNSERVICEABLE VEHICLES
- 55) VEHICLES, DPW
- 56) VEHICLES, POLICE
- 57) VEHICLES, PUBLIC SAFETY/SPECIALTY AMBULANCE
- 58) VIDEO CAMERAS / POLICE CARS

The following Resolution # 2007-21 (Official Newspapers) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-21

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 2007:

ASBURY PARK PRESS
NEWARK STAR LEDGER

The following Resolution # 2007-22 (Duplicate Bills) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-22

BE IT RESOLVED by the Township Council of the Township of Marlboro that the cost charged by the Tax Collector for Duplicate Bills for 2007 be as follows:

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

The following Resolution # 2007-23 (Appointing Tax Search Officer - Shirley Giaquinto) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-23

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

The following Resolution # 2007-24 (Rate of Interest - Delinquent Taxes) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-24

WHEREAS, N.J.S.A. 54: 5-67 as amended by Chapter 435 P.L. 1978, permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments; and

WHEREAS, N.J.S.A. 54: 5-67 as amended by Chapter 75, P.L. 1991, 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 as follows:

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 be effective January 4, 2007.

The following Resolution # 2007-25 (Authorizing Tax Assessor - Various Duties & Requirements) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-25

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, in addition to those powers given to the Tax Assessor by statute, the Tax Assessor is hereby authorized to file 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 is authorized to file 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, after obtaining the Township Council's approval of any such negotiated

settlement, to execute a Stipulation of Settlement, or similar document, on behalf of the Township of Marlboro.

The following Resolution # 2007-26 (Continuation of Bonds - Officers and Employees) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-26

BE IT RESOLVED by the Township Council of the Township of Marlboro that they do hereby authorize and direct that the bonds presently in effect for the officers and employees of the Township of Marlboro be continued for the year 2007.

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

The following Resolution # 2007-27 (Designating Municipal Clerk/Certificates of Searches) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-27

WHEREAS, under and by virtue of N.J.S.A. 54: 5-18.1 et seq. inclusive, it is required that the Governing Body of the Municipality by Resolution designate 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 the Municipal Clerk be and she is hereby designated as the person to make such Certificates as to Liability for Assessment for Municipal Improvements as is required by law and by virtue of said statute.

The following Resolution # 2007-28 (Designating Administrative Officer/Certificates of Approval of Subdivisions of Lands) was introduced by reference, offered by Councilwoman Tragni,

seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-28

WHEREAS, under and by virtue of N.J.S.A. 40-55D-56, it is required that the Governing Body of the Municipality by Resolution designate an administrative officer for the issuance of certificates as to approval of subdivisions of land as provided in said statute;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Administrative Officer be and she is hereby designated as the person to make and issue such certificates as to approvals of subdivisions as required under and by virtue of said statute.

The following Resolution # 2007-29 (Temporary Budget Current (26.25%) and Swim Utility) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-29

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2007

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 2006 is six million four hundred and ninety-eight thousand three hundred seventy dollars and seventy-five cents (\$6,498,370.75), and swim utility budget two hundred fifty-one thousand seven hundred twelve dollars and fifty cents (\$251,712.50).

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 2007 according to the schedule attached hereto and a made a part hereof, and

BE IT FURTHER RESOLVED, that this Resolution take effect January 4, 2007, and that a copy of this Resolution be transmitted to the Business Administrator, Chief Financial Officer and Auditor.

Current Fund	2006 Operating Budget	2007 Temporary Budget
Administration (30)		
Salary & Wages	227,500.00	56,875.00
Other Expenses	57,460.00	14,365.00
Office of the Mayor (10)		
Salary & Wages	60,000.00	15,000.00
Other Expenses	5,700.00	1,425.00
Ethics Commission		
Salary & Wages	0.00	0.00
Other Expenses	8,000.00	2,000.00
Township Council (21)		
Salary & Wages	18,000.00	4,500.00
Other Expenses	8,000.00	2,000.00
Public Information		
Salary & Wages	10,500.00	2,625.00
Other Expenses	38,600.00	9,650.00
Municipal Clerk (20)		
Salary & Wages	180,000.00	45,000.00
Other Expenses	67,800.00	16,950.00
Finance		
Salary & Wages	222,500.00	55,625.00
Other Expenses	32,000.00	8,000.00
Annual Audit	47,500.00	0.00
Central Computer Services		
Salary & Wages	30,000.00	7,500.00
Other Expenses	27,740.00	6,935.00

Tax Collector		
Salary & Wages	215,000.00	53,750.00
Other Expenses	33,750.00	8,437.50
Tax Assessor		
Salary & Wages	190,000.00	47,500.00
Other Expenses	96,750.00	24,187.50
Legal Services		
Other Expenses	460,000.00	115,000.00
Engineering Services		
Salary & Wages	283,000.00	70,750.00
Other Expenses	120,000.00	50,000.00
Economic Development		
Salary & Wages		
Other Expenses	500.00	0.00
Community Relations		
Other Expenses	0.00	0.00
Inter- Governmental Relations		
Other Expenses	1,000.00	0.00
Homeland Security		
Salary & Wages	45,000.00	11,250.00
Other Expenses	48,500.00	12,125.00
Historic Sites Commission		
Other Expenses	3,000.00	750.00
Planning Board		
Salary & Wages	70,000.00	17,500.00
Other Expenses	32,800.00	8,200.00
Planning Board Contractual		
Other Expenses	43,380.00	10,845.00
Zoning Board		
Salary & Wages	147,000.00	36,750.00
Other Expenses	45,800.00	11,450.00
Liability Insurance	399,500.00	99,875.00
Workers Comp	380,000.00	95,000.00
Group Insurance	2,445,900.00	611,475.00

Unemployment Insurance	10,000.00	2,500.00
Police		
Salary & Wages	7,490,000.00	1,872,500.00
Other Expenses	364,250.00	91,062.50
Crime Prevention		
Other Expenses	36,535.00	9,133.75
DARE Program		
Other Expenses	15,000.00	3,750.00
Highway Safety		
Other Expenses	32,400.00	8,100.00
Emergency Management		
Salary & Wages	20,000.00	5,000.00
Other Expenses	16,350.00	4,087.50
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	130,000.00	32,500.00
Other Expenses	16,428.00	4,107.00
Municipal Prosecutors Office		
Salary & Wages	31,200.00	7,800.00
Streets and Road Maint		
Salary & Wages	1,385,000.00	346,250.00
Other Expenses	45,720.00	11,430.00
Snow Removal		
Salary & Wages	75,000.00	18,750.00
Other Expenses	366,780.00	91,695.00
Public Works - Other		
Salary & Wages	330,000.00	82,500.00
Other Expenses	61,270.00	15,317.50
Shade Tree Commission		
Salary & Wages	2,000.00	500.00
Other Expenses	2,000.00	500.00
Solid Waste Collection		
Salary & Wages	25,000.00	6,250.00
Other Expenses	642,900.00	160,725.00
Buildings & Grounds		

Salary & Wages	527,500.00	131,875.00
Other Expenses	155,400.00	38,850.00
Vehicle Maintenance		
Salary & Wages	528,000.00	132,000.00
Other Expenses	114,550.00	28,637.50
Community Services Act		
Other Expenses	100,000.00	25,000.00
Open space Committee		
Salary & Wages	4,200.00	1,050.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	1,625.00
Other Expenses	1,900.00	475.00
Drug Abuse Control		
Other Expenses	11,550.00	2,887.50
Environmental Health Services		
Salary & Wages		
Other Expenses	8,000.00	2,000.00
Animal Control Services		
Other Expenses	40,000.00	20,000.00
Recreation		
Salary & Wages	405,000.00	101,250.00
Other Expenses	136,100.00	34,025.00
Teen Program		
Salary & Wages	0.00	0.00
Other Expenses	15,000.00	3,750.00
Summer Youth Activities		
Salary & Wages	0.00	0.00
Other Expenses	7,000.00	1,750.00
Park Maintenance		
Salary & Wages	415,000.00	103,750.00
Other Expenses	28,930.00	7,232.50
Municipal Library		
Other Expenses	18,000.00	4,500.00
Little League		
Other Expenses	0.00	0.00
Pop Warner		

Other Expenses	0.00	0.00
Prior Year Bills	39,319.21	0.00
Accumulated Leave Compensation	1,000.00	0.00
Deficit in Animal control	14,583.47	0.00
Postage		
Other Expenses	53,000.00	13,250.00
Electricity	290,400.00	72,600.00
Street Lighting	562,500.00	140,625.00
Telephone	123,600.00	30,900.00
Water	15,600.00	3,900.00
Natural Gas	80,000.00	20,000.00
Sewer	7,500.00	1,875.00
Gasoline	385,000.00	96,250.00
Landfill Disposal Costs	250,000.00	62,500.00
PERS	133,000.00	0.00
FICA	950,000.00	237,500.00
Municipal Court		
Salary & Wages	310,000.00	77,500.00
Other Expenses	126,600.00	31,650.00
Public Defender		
Salary & Wages		
Other Expenses	17,000.00	4,250.00
Affordable Housing		
Salary & Wages	9,000.00	2,250.00
Other Expenses	4,700.00	1,175.00
Police Dispatch 911		
Salary & Wages	575,000.00	143,750.00
Other Expenses	224,480.00	56,120.00
LOSAP		
Other Expenses	75,000.00	0.00

PFRS		
Other Expenses	617,500.00	0.00
Library County Contract		
Other Expenses	5,500.00	0.00
SFSP Fire District Payments		
Other Expenses	14,229.00	0.00
Clean Communities Act	32,713.86	0.00
Monmouth Drug & Alcohol		
Grant Share	33,095.00	0.00
Local Share	8,273.75	0.00
Recycling tonnage Grant	15,913.00	0.00
Child Passenger Safety	0.00	0.00
Body Armor Grant	6,694.65	0.00
StormWater Regulation Grant	15,464.00	0.00
Developer Contributions - Park Imps	255,000.00	0.00
Click It or Ticket	4,000.00	0.00
NJDOT Safe Streets	40,000.00	0.00
Matching Funds for Grants	11,366.00	0.00
Secure Our Schools Grant		
Grant Share	131,307.50	0.00
Local Match	131,307.50	0.00
Drunk Driving Enforcement		
S&W	7,307.76	0.00
Handicapped Rec Opportunities Grant		
Grant Share	4,910.00	0.00
Local Share	0.00	
Capital Improvement Fund		
Other Expenses	0.00	0.00
Union Hill Parking Lot Improvements		75,000.00
Bond Principal	1,696,000.00	400,000.00

Bond Interest	795,750.00	30,000.00
Note Interest	117,000.00	0.00
Green Acres Trust - P & I	28,865.00	28,865.00
Capital Lease program		
Principal	450,000.00	0.00
Interest	72,000.00	20,000.00
Emergency Authorizations	105,000.00	0.00
Deferred Charges	0.00	0.00
Reserve for Uncollected Taxes	1,700,000.00	0.00
Totals	30,329,122.70	6,498,370.75

Swim Utility

	2006 Operating Budget	2006 Temporary Budget
Salary & Wages	444,000.00	111,000.00
Other Expenses	454,300.00	100,000.00
Capital Outlay	120,000.00	30,000.00
Payment of Bond Principal	10,000.00	10,000.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,700.00	712.50
Payment of Note Principal		
Public Employees Retirement System FICA		
Unemployment		
Totals	1,030,000.00	251,712.50

The following Resolution # 2007-30 (Cash Management Plan) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-30

RESOLUTION ESTABLISHING A CASH MANAGEMENT PLAN
AND NAMING OFFICIAL DEPOSITORIES
FOR THE TOWNSHIP OF MARLBORO FOR 2007

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth adopts the following cash management plan, including the official depositories for the Township of Marlboro, County of Monmouth for the calendar year 2007.

CASH MANAGEMENT PLAN OF THE TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH CALENDAR YEAR 2007

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Township of Marlboro, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the

funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

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

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

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

- Snow Removal
- Uniform Construction Code
- (3) General Capital
- (4) Pool Utility
 - a. Operating
 - b. Capital
- (5) Public Assistance Account I

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

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

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

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

IV. DESIGNATION OF DEPOSITORIES

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

Amboy National Bank
Bank of New York
Bankers Trust Co. (Wire agent for NJ Cash Management)
Chase Bank

Columbia Bank
Commerce Bank
Community Bank
Depository Trust Company
Wachovia Bank, N.A., N.J.
First Washington Bank
Fleet Bank, New York, N.A.
Hudson United Bank
Investors Savings Bank
Merrill Lynch
MBIA-Class Management Unit Trust
NJ Asset & Rebate Program (NJ ARM)
NJ Cash Management Fund
Northfork Bank
Peapack-Gladstone Bank
PNC Bank
SI Bank & Trust
Sovereign Bank
Sun National Bank
TD North
Trust Company of New Jersey
United National Bank
Unity Bank
Valley National Bank

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

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

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

A H Williams & Company
CIDC Oppenheimer & Co.
Chase Manhattan Bank
Commerce Capital
Dean Witter Custodian for NJ Cash Management

Depository Trust Company
E. A. Moos & Company
Fleet Securities
First Union Bank
PNC Capital Markets
Prudential Securities
Summit Bank

VI. DEPOSIT OF FUNDS

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

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

VII. AUTHORIZED INVESTMENTS

A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not

greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;

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

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

Government Money Market Mutual Fund

An investment company or investment trust:

- (a) Which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.
- (b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec

270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and

- (c) Which has:
 - (1) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (2) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940," 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool.

An investment pool:

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

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

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

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

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

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

IX. DISBURSEMENT OF FUNDS

All funds shall be disbursed as authorized and directed in accordance with statutory provision established by Municipal Code, section 4-59. The Chief Financial Officer shall, at the beginning of the fiscal year, present to the Township Council a schedule of debt service principal and interest payments and when available, a schedule of School Tax payments for the upcoming fiscal year. Upon review of the schedules of payments by the Township Council, the Chief Financial Officer shall then have the authority to make the following disbursements:

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

X. PETTY CASH FUND

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

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

XI. BONDING

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

Tax Collector
Chief Financial Officer
Court Clerk
Judges

XII. COMPLIANCE

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

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

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

XIII. REPORTING REQUIREMENTS

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

- A. The Name of any institution holding funds of the Township as a Deposit or a Permitted Investment.
- B. The Amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month
- F. The fees incurred to undertake such Deposits or Permitted Investments.

- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Township

XIV. FIRE DISTRICT QUARTERLY LEVY INSTALLMENTS

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

XV. TERM OF PLAN

This Plan shall be in effect from January 1, 2007 to December 31, 2007. The Plan may be amended from time to time. To the extent that the Council adopts any amendment, the Designated Official(s) is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan. The amendment shall be acknowledged in writing in the same manner, as the original Plan was so acknowledged.

The following Resolution # 2007-31 (Continuation of Petty Cash Funds) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-31

RESOLUTION AUTHORIZING PETTY CASH FUND
FOR CALENDAR YEAR 2007

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>2007 LEVEL</u>	<u>2007 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.

The following Resolution # 2007-32 (Authorizing Business Administrator to Execute Contracts Up to \$17,500) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-32

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 \$21,000.00 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; 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 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 Judith Tiernan, Business Administrator is hereby authorized to execute and approve any and all contracts up to \$17,500; and

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

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

- a. Business Administrator
- b. Township Chief Financial Officer
- c. Gluck Walrath LLP.

The following Resolution #2007-33 (Award of State Contract - Police Vehicles) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-33

RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN (7) NEW 2007
FORD CROWN VICTORIA POLICE INTERCEPTORS AND RELATED
EQUIPMENT STATE CONTRACT #A67129

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase seven (7) new 2007 Ford Crown Victoria Police Interceptors and related equipment from Warnock Motor Sales, Inc. d/b/a Warnock Chevrolet Geo, 175 Route 10, East Hanover, NJ 07936 under State Contract #A67129 not to exceed \$154,642.95; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said vehicles to the Township of Marlboro; and

WHEREAS, funds are available in MCIA Account Number Y-05-55-012-951 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicles and related equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase seven (7) new 2007 Ford Crown Victoria Police Interceptors and related equipment from Warnock Motor Sales, Inc. d/b/a Warnock Chevrolet Geo, 175 Route 10, East Hanover, NJ 07936 under State Contract #A67129 not to exceed \$154,642.95; and

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

- a. Warnock Motor Sales, Inc. d/b/a Warnock Chevrolet Geo, East Hanover, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2007-34 (Award of Bid: Union Hill

Parking Lot Improvements) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-34

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO A. MONTONE CONSTRUCTION, INC., FOR THE PROVISION OF PARKING AND INTERSECTION IMPROVEMENTS AT THE UNION HILL COMMUTER LOT IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of re-bids for the provision of parking and intersection improvements at the Union Hill commuter lot in the Township of Marlboro; and

WHEREAS, the Township received nine (9) bids from the following vendors in the following amounts:

- A. A. Montone Construction, Inc.
88 Stillwell Road
Holmdel, NJ 07733
Base: \$849,851.32
A1: \$ 10,500.00
A2: \$118,000.00
A3: \$ 13,224.00

- B. DeFino Contracting Company
28 Industrial Drive
Cliffwood Beach, NJ 07735
Base: \$861,995.53
A1: \$ 10,700.00
A2: \$ 98,300.00
A3: \$ 20,880.00

- C. Precise Construction
1016 Highway 33
Freehold, NJ 07728
Base: \$872,764.75
A1: \$ 13,434.00
A2: \$ 97,246.80
A3: \$ 14,616.00

- D. Star of the Sea Concrete Corp.
448 Marlboro Road
Old Bridge, NJ 08857
Base: \$892,543.75
A1: \$ 20,500.00

A2: \$106,000.00
A3: \$ 15,660.00

E. New Prince Concrete Construction Company, Inc.

215 Elleen Terrace
Hackensack, NJ 07601
Base: \$940,746.00
A1: \$ 11,500.00
A2: \$128,000.00
A3: \$ 17,400.00

F. Lucas Brothers, Inc.

80 Amboy Road
Morganville, NJ 07751
Base: \$959,664.27
A1: \$ 19,000.00
A2: \$144,000.00
A3: \$ 13,920.00

G. Lucas Construction Group, Inc.

1696 Englishtown Road
Old Bridge, NJ 08857
Base: \$972,009.00
A1: \$ 10,500.00
A2: \$ 60,000.00
A3: \$ 15,660.00

H. Bil-Jim Construction Co., Inc.

577 South hope Chapel Road
Jackson, NJ 08527
Base: \$986,381.65
A1: \$ 10,965.00
A2: \$135,300.00
A3: \$ 14,094.00

I. Paving Materials and Construction Company, Inc.

616 West First Avenue
Roselle, NJ 07203
Base: \$1,173,402.00
A1: \$ 33,000.00
A2: \$ 148,000.00
A3: \$ 26,100.00; and

WHEREAS, the Administration and the Township Attorney have reviewed said bids and recommend that the contract be awarded to A. Montone Construction, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, A. Montone Construction, Inc. for the provision of parking and intersection improvements at the Union Hill commuter lot in the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of parking and intersection improvements at the Union Hill commuter lot in the Township of Marlboro is awarded to A. Montone Construction, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and A. Montone Construction, Inc. for the provision of parking and intersection improvements at the Union Hill commuter lot in the Township of Marlboro in an amount not to exceed \$991,575.32 and in accordance with the bid proposal submitted by A. Montone Construction, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-04-55-940-275 in the amount of \$75,000; X-04-55-959-956 in the amount of \$275,727.32; X-04-55-950-910 in the amount of \$40,000; X-04-55-943-917 in the amount of \$25,000; X-04-55-908-928 in the amount of \$10,779; 2007 temporary budget in the amount of \$75,020; and X-04-55-960-938 in the amount of \$489,779.00; and

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

- a. A. Montone Construction, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. Gluck Walrath LLP.

The following Resolution #2007-35 (Supporting Senate Bill - S-457 and Assembly Bill A-3870) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-35

RESOLUTION OPPOSING S-457 AND A-3870,

AMENDING THE TIME OF DECISION RULE

WHEREAS, Senate bill S-457 and Assembly bill A-3870 are intended to modify the "time of decision" rule which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, under the bill the ordinances in effect at the time of an application is submitted shall govern the review of that application, and any decision made following upon that review;

WHEREAS, the "time of decision rule" is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered; and

WHEREAS, courts have applied the "time of decision rule" to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed;

WHEREAS, the "time of decision rule" has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance;

WHEREAS, application and zoning changes require public discussion and hearings, and S-457/A-3870 would permit developers to "beat the clock" by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Marlboro Township urges our State Legislators to oppose S-457/A-3870;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Ellen Karcher, Assemblyman Michael Panter, Assemblywoman Jennifer Beck, the sponsors of S-457 and A-3870, members of the Senate Community and Urban Affairs Committee and the Assembly Housing and Local Government committee, the New Jersey State League of Municipalities and the Office of the Governor
The following Resolution #2007-36 (Appointing OEM Coordinator (Robert Holmes), Deputies (Christopher Cherbini & Robert Miller) and Local Emergency Planning Committee) was introduced by

reference, offered by Council Vice President Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-36

RESOLUTION APPOINTING COORDINATOR AND DEPUTY COORDINATORS OF THE OFFICE OF EMERGENCY MANAGEMENT AND APPOINTING MEMBERS OF THE MARLBORO TOWNSHIP EMERGENCY MANAGEMENT COUNCIL

WHEREAS, Section 4-102 of the Code of the Township of Marlboro (the "Code") establishes a Division of Civil Defense within the Department of Public Safety and authorizes the Mayor to appoint a Coordinator and Deputy Coordinators of the Office of Emergency Management to head that division; and

WHEREAS, New Jersey Public Law, c. 152 requires the Township of Marlboro to create a local emergency management council which is authorized to assist the municipality in supervising and coordinating the emergency management activities of the municipality; and

WHEREAS, the Marlboro Township Emergency Management Council (the "Emergency Management Council") shall not consist of more than 15 members appointed by the Mayor, with the advice and consent of the Township Council of the Township of Marlboro, and shall include the Coordinator of the Office of Emergency Management who shall be the Chairman; and

WHEREAS, in accordance with Section 4-102 of the Code and New Jersey Public Law, c. 152, the Mayor desires to appoint the Coordinator and Deputy Coordinators of the Office of Emergency Management and appoint the members of the Emergency Management Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appointments of Chief Robert C. Holmes, Sr., as the Coordinator of the Office of Emergency Management, and Christopher Cherbini and Robert Miller, as the Deputy Coordinators of the Office of Emergency Management, are hereby confirmed for the terms provided for by law; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro that the appointment of the following individuals to the Emergency Management Council are hereby confirmed for the terms provided for by law:

Name

Working Title

1. Robert C. Holmes (Chairman) Chief of Police
2. Robert Di Marco Super. of Public Works
3. John Higginson Twp. Fire Prev. Bureau
4. Keith Badler Robertsville Vol. Fire Co.
5. Jeff Cantor Marlboro Township Council
6. Christopher Mosely Complete Security Syst.
7. Greg Perrini MTMUA
8. John Butterweck Morganville First Aid
9. Brad Greenberg Marlboro First Aid
10. Dr. David Abbott Super. Board of Ed.
11. Fred Weiner Private Citizen/Races Operator
12. Judith Tiernan Business Administrator
13. Bart Lombardo SWAT Team Commander MTPD
14. James Wasser Super. Freehold Regional
15. Eric Landau Deputy Chief of Police

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the above-named individuals, the Emergency Management Council, the Division of Civil Defense, the Business Administrator and the Township Attorney.

The following Resolution #2007-37 (Authorizing Contract - Engineer for environmental Phase I Audit) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-37

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING AND ENVIRONMENTAL SERVICES FOR THE COMPLETION OF A PRELIMINARY ASSESSMENT & SITE INSPECTION REPORT FOR BLOCK 155, LOT 13.03 and 13.03Q

WHEREAS, the Township of Marlboro is in need of a Township Engineer to render professional engineering services for the completion of a preliminary assessment and site inspection of the 43-acre property known as Block 155, Lot 13.03 & 13.03Q, Marlboro Township, New Jersey (the "Property"); and

WHEREAS, Birdsall Engineering, Inc. has submitted to the Township a Proposal (the "Proposal"), dated December 28, 2006 which is attached hereto and incorporated herein, to provide the required professional services for an amount not to exceed \$3,500.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal for an amount not to exceed \$3,500.00; and

BE IT FURTHER RESOLVED IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-15-56-859-815; and

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

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. #2007-38/Ord. #2007-1 (Amending Commuter Parking Fees) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-38

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

ORDINANCE # 2007-1

AN ORDINANCE AMENDING SECTION (C)1 "FEES", OF SECTION 103-4, ARTICLE I "COMMUTER PARKING AREAS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on January 25, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-1

AN ORDINANCE AMENDING SECTION (C)1 "FEES", OF SECTION 103-4, ARTICLE I "COMMUTER PARKING AREAS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, permit parking is currently permitted within parking areas established by the Township of Marlboro for commuters at or near Route 9, within the Township for a fee of \$8.33 per month, payable annually; and

WHEREAS, the Mayor and the Township Council now desire to increase the fee for parking in said commuter parking section to \$10.00 per month, payable annually; and

WHEREAS, the Mayor and the Township Council now desire to insert a paragraph at §103-4 (c)2, indicating that a pro rata amount will be charged to any commuter who requests a permit after April 30 of the permit year; and

WHEREAS, the remaining subsections of that section are to be recodified as follows: former section §103-4 (c)2, will be moved to (c)3; former section (c)3 will be moved to (c)4.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Subsection C "Fees" of Section 103-4 "Permits" be and hereby is amended to read as follows (additions to said subsection are underlined and deletions are crossed-out):

"ARTICLE I, Commuter Parking Areas [Adopted 5-22-1975 by Ord. No. 6-75]

§ 103-4. Permits. [Amended 9-25-1975 by Ord. No. 23-75; 12-30-1976 by Ord. No. 23-76; 2-20-1986 by Ord. No. 1-86; 2-12-1987 by Ord. No. 1-87; 2-11-1988 by Ord. No. 4-88; 2-22-1990 by Ord. No. 11-90; 2-21-1991 by Ord. No. 3-91; 10-23-1997 by Ord. No. 26-97; 12-10-1998 by Ord. No. 29-98; 6-14-2001 by Ord. No. 2001-9]

A. Issuance; numbers restricted

(1) Said permits shall be issued by the Township Clerk during the regular hours during which his or her office is open and only upon copies being furnished of a current and valid New Jersey driver's license showing the name and address of the applicant as a resident of the Township of Marlboro or Township of Manalapan and one of the following:

(a) A current and valid motor vehicle registration certificate showing the name and address of the applicant as a resident of the Township of Marlboro or as a resident of the Township of Manalapan.

(b) A current and valid voter registration I.D. card showing the name and address of the applicant as a resident of the Township of Marlboro or as a resident of the Township of Manalapan.

(c) A current tax or utility bill, indicating the name and address of the applicant as a resident of the Township of Marlboro or as a resident of the Township of Manalapan.

(2) The Township Clerk shall issue not more than 100 permits to the residents of the Township of Manalapan on a first-come-first-served basis, and, after the issue of 100 permits to said residents of the Township of Manalapan, no further permits shall be issued in any one year.

(3) The Municipal Clerk shall not issue more than one permit to any household.

B. Permits shall be valid from April 1 of the year in which issued to 12:00 midnight of March 31 of the following year. This time period shall be referred to herein as the "Permit Year".

C. Fees

(1) The application for the permit and permission to use the same shall be charged at the rate of ~~\$8.33 per month, payable annually.~~ \$120.00 per Permit Year, payable at the time of application.

(2) ~~A permit holder who no longer resides within the Township of Marlboro or Manalapan during the course of the license year may apply for a pro rata refund for the remainder of the licensing period upon surrender of said permit to the Township Clerk.~~ A pro rata amount of \$10.00 per month, payable in one sum at the time of application, will be charged for commuters requesting a permit after April 30 of any Permit Year ~~the year.~~

(3) ~~Replacement fee for lost permit. Upon application for a replacement permit and the filing of a proper certification, the Township Clerk may issue a replacement permit for which an additional fee of \$25 shall be imposed.~~ A permit holder who no longer resides within the Township of Marlboro or Manalapan during the course of the Permit Year must surrender his or her permit and may apply for a pro rata refund for the remainder of the Permit Year upon surrender of said permit to the Township Clerk.

(4) Replacement fee for lost permit. Upon application for a replacement permit and the filing of a proper certification, the Township Clerk may issue a replacement permit for which an additional fee of \$25 shall be imposed.

D. Permits issued following the adoption of this article shall be valid from the date of issue until 12:00 midnight of March 31 of the following year, and shall be charged at the monthly rate specified hereinbefore.

E. Said permits shall have written thereon "Marlboro Township Parking Permit," together with the number of the permit, the date of expiration of the permit and the license plate number(s) of the vehicle(s) registered. No more than two vehicles shall be listed on said permit.

F. The Township Clerk shall make and keep a record of all permits issued, including therein the number of the permit, the date of issuance, the name and address of the person to whom

issued, the license plate number(s) and the make, model and color of the motor vehicle(s) for which each permit is issued.

G. In the event that a permit holder must use a vehicle whose license plate number is not listed on the permit, the permit holder may park another vehicle registered at the same address as the permit holder, provided that such permit holder gives notice to the Division of Police prior to parking such vehicle; and

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

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

Councilwoman Morelli motioned to table Resolution #2007-39 (Recreation Fees 2007). This was seconded by Councilwoman Tragni and defeated on a roll call vote of 2 - 3. There was a brief discussion between Council, Administration, Andrew Bayer, Esq., Recreation Chairman Steven Dick, Recreation Superintendent John Saffioti. Councilwoman Morelli motioned to amend Resolution #2007-39 to establish fees for the summer camp program in an amount not to exceed the 2006 rates by \$100. This was seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 1 with Councilman Pernice voting no.

RESOLUTION # 2007-39 (As Amended)

A RESOLUTION AUTHORIZING THE RECREATION COMMISSION FOR
THE TOWNSHIP OF MARLBORO TO ESTABLISH THE FEES
FOR THE 2007 RECREATIONAL PROGRAMS IN THE TOWNSHIP OF MARLBORO

WHEREAS, Section 117-2 of the Code of the Township of Marlboro requires that fees for all recreational programs established by the Recreation Commission be authorized by the Township Council on an annual basis; and

WHEREAS, the Township Council desires to authorize the Recreation Commission to establish fees for the summer camp program in an amount not to exceed the 2006 rates by \$100.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is granted for the Recreation Commission to establish the fees for the summer camp program as set forth above.

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

- a. Recreation Commission
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2007-40/Ord. #2007-3 (Authorizing Acquisition of Land) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-40

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

ORDINANCE # 2007-3

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO PURCHASE THE PROPERTY LOCATED AT 364 PLEASANT VALLEY ROAD, MORGANVILLE, BLOCK 155, LOT 13.03 and 13.03Q FOR PUBLIC PURPOSES

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

BE IT FURTHER RESOLVED that the same be considered for final passage on January 25, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-3

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO PURCHASE THE PROPERTY LOCATED AT 364 PLEASANT VALLEY ROAD, MORGANVILLE, BLOCK 155, LOT 13.03 and 13.03Q FOR PUBLIC PURPOSES

WHEREAS, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-5, the Township of Marlboro has the power to acquire any real property for public purposes by purchase or other authorized means; and

WHEREAS, the Township desires to purchase the property located at 364 Pleasant Valley Road, Morganville, New Jersey, Block 155, Lot 13.03 and 13.03Q (the "Property") for farmland preservation purposes; and

WHEREAS, following negotiations, the Township and the owners of the Property have agreed that the amount to be paid for the Property shall be \$1,700,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Mayor is authorized to purchase the Property for a total amount not to exceed \$1,700,000.00 and to execute an Agreement of Sale and all other documents necessary to effectuate the transfer of title for the Property to the Township; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds for the purchase of the Property, which is attached hereto, and that sufficient funds are available for said purchase from T-15-56-859-815; and

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

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

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

The following Resolution # 2007-9 (Appointment of Agricultural Advisory Committee Member - two-year term - Thomas Geran) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-9

A RESOLUTION APPOINTING ONE MEMBER TO SERVE ON THE TOWNSHIP OF
MARLBORO AGRICULTURAL ADVISORY COMMITTEE AND DESIGNATING A
CHAIRPERSON OF SAID COMMITTEE

WHEREAS, the Township Council of the Township of Marlboro approved Ordinance #2004-10, creating an Agricultural Advisory Committee under Chapter 98 "Open Space, Farmland and Historic Sites" of the Code of the Township of Marlboro, specifically Sections 98-12 through 98-17; and

WHEREAS, pursuant to Section 98-13, the Mayor shall appoint three (3) citizens to the Agricultural Advisory Committee with the consent of the Township Council and shall designate a Chairperson; and

WHEREAS, pursuant to Section 98-14, two (2) of the initial three (3) citizens appointed to the Agricultural Advisory Committee shall serve for a term of one (1) year, and one of the initial three (3) citizens appointed to the Agricultural Advisory Committee shall serve for a term of two (2) years; and

WHEREAS, after the appointment of the initial three (3) citizen members, the term of all appointed members shall be two (2) years; and

WHEREAS, by Resolution #2004-255, the Township Council consented to the appointment to the Agricultural Advisory Committee of Thomas Geran for an initial term of two (2) years; and

WHEREAS, the term of Thomas Geran has expired and the term of the current chairperson has also expired; and

WHEREAS, the Mayor has reappointed Thomas Geran as a member of the Agriculture Advisory Committee for a term of two (2) years and has designated Heidi Rajan as the Chairperson of said Committee for a term of one (1) year; and

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

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

BE IT FURTHER RESOLVED, that the Township Council consents to the designation of Heidi Rajan as the Chairperson of the Agricultural Advisory Committee for a term of one (1) year.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor: Res. #2007-41 (Authorizing State Contract - Office Supplies), Res. #2007-42 (Purchase of Rock Salt) and Res. #2007-43 (Raffle License Marlboro Educational Foundation).

RESOLUTION # 2007-41

RESOLUTION AUTHORIZING THE PURCHASE OF OFFICE SUPPLIES FOR THE TOWNSHIP OF MARLBORO STATE CONTRACT #A59768

WHEREAS, the Marlboro Township Administration Department has recommended that the Township purchase office supplies from Office Depot, Inc., 2200 Old Germantown Road, Delray Beach, FL 33445 under State Contract #A59768 not to exceed \$15,000; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide office supplies to the Township of Marlboro; and

WHEREAS, funds are available in Budget Account Number 7-01-030-209 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said office supplies;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase office supplies from Office Depot, Inc., 2200 Old Germantown Road, Delray Beach, FL 33445 under State Contract #A59768 not to exceed \$15,000; and

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

- a. Office Depot, Inc., Delray Beach, FL
- b. Township Administrator
- c. Township Departments
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2007-42

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR THE PROVISION OF ROCK SALT DE-ICING
AGENT TO MARLBORO TOWNSHIP

WHEREAS, Monmouth County solicited for bids for the provision of rock salt (de-icing agent) and is providing Monmouth County municipalities the opportunity to purchase the material through a cooperative purchasing agreement; and

WHEREAS, Monmouth County received two (2) bids and the following vendor was the lowest responsive bidder:

International Salt Company
655 Northern Boulevard
Clarks Summit, PA 18411-0352
\$90,420 for 2,000 tons (\$45.21 per ton); and

WHEREAS, the Administration and the Director of Public Works recommend that a contract be awarded to International Salt Company as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, for the provision of rock salt (de-icing agent) for the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, in accordance with the aforementioned recommendations that the contract for the provision of rock salt (de-icing agent) for the Township of Marlboro be and hereby is awarded to International Salt Company and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and International Salt Company for provision of rock salt (de-icing agent) for the Township of Marlboro in an amount not to exceed \$90,420.00 for 2,000 tons and in accordance with the bid proposal submitted by International Salt Company; and

