

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 18, 2010

The Marlboro Township Council held its regularly scheduled meeting on March 18, 2010 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 11, 2010; mailed 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 Boy Scout Troop 86 Honor Guard led the salute to the flag, lead by Robert Burke who played the bagpipes in honor of St. Patrick's Day. Scoutmaster Bill Cain spoke about the importance of the scouting program. Assistant Scoutmaster Dennis Stack and Scoutmaster Kevin Carl were also present.

The Benediction was given by Robert Burke in honor of St. Patrick's Day.

The Clerk called the Roll.

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

Also present were: Mayor Jonathan L. Hornik,
Ronald Gordon, Esq., Municipal Clerk Alida
Manco and Deputy Municipal Clerk Deborah
Usalowicz.

Councilman Metzger moved that the minutes of February 4 & 18, 2010 be approved. The motion was seconded by Councilwoman Mazzola and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

The following Res. # 2010-110/Ord. # 2010-7 (Appropriating from Capital Reserve Account Capital Improvement Costs - Glenbrook Condo Assoc.) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-110

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

ORDINANCE # 2010-7

AN ORDINANCE APPROPRIATING \$200,000 FROM CAPITAL RESERVE ACCOUNT TO FULLY FUND COSTS ASSOCIATED WITH CAPITAL IMPROVEMENTS TO GLENBROOK CONDO ASSOCIATION

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 April 15, 2010 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 #2010-7

AN ORDINANCE APPROPRIATING \$200,000 FROM CAPITAL RESERVE ACCOUNT TO FULLY FUND COSTS ASSOCIATED WITH CAPITAL IMPROVEMENTS TO GLENBROOK CONDO ASSOCIATION

WHEREAS, The Township of Marlboro has a Capital Account entitled "Reserve for Glenbrook Condo Association" with a current balance of \$200,000 (two hundred thousand dollars); and

WHEREAS, the Governing Body of the Township of Marlboro wishes to authorize the disbursement of these

monies in connection with the improvements being done at the Glenbrook Condominiums.

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 a sum of \$200,000 is hereby appropriated for the costs associated with the aforementioned work from the Township Capital Reserve for Glenbrook Condo Association account; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose; and

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

The following Res. # 2010-111/Ord. # 2010-8 (Amend Chapter 94 - Animals - Late Fees) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-111

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

ORDINANCE # 2010-8

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 94 OF THE CODE OF THE TOWNSHIP OF MARLBORO, ENTITLED, "ANIMALS", ARTICLE I, "DOG LICENSING", SECTION 94-3, "LICENSING REQUIREMENTS", SUB-SECTION 94-3(A)(4), TO AMEND THE ADMINISTRATIVE PENALTY FOR LATE LICENSURE OF DOGS, AND AMENDING AND SUPPLEMENTING ARTICLE III, "LICENSING OF CATS", SECTION 94-20, "LICENSES REQUIRED", SUB-SECTION 94-20(G), "LICENSE FEE SCHEDULE", TO AMEND THE ADMINISTRATIVE PENALTY FOR LATE LICENSURE OF CATS

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 April 15, 2010 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 # 2010-8

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 94 OF THE CODE OF THE TOWNSHIP OF MARLBORO, ENTITLED, "ANIMALS", ARTICLE I, "DOG LICENSING", SECTION 94-3, "LICENSING REQUIREMENTS", SUB-SECTION 94-3(A)(4), TO AMEND THE ADMINISTRATIVE PENALTY FOR LATE LICENSURE OF DOGS, AND AMENDING AND SUPPLEMENTING ARTICLE III, "LICENSING OF CATS", SECTION 94-20, "LICENSES REQUIRED", SUB-SECTION 94-20(G), "LICENSE FEE SCHEDULE", TO AMEND THE ADMINISTRATIVE PENALTY FOR LATE LICENSURE OF CATS

WHEREAS, Chapter 94, Animals, of the Code of the Township of Marlboro, establishes the requirements and the administrative processes for the issuance of licenses for dogs and cats within the Township of Marlboro; and

WHEREAS, the Township desires to amend Chapter 94 to amend the administrative penalties for certain violations of the licensure process.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 94 Animals, Article I, Dog Licensing, Section 94-3 Licensing Requirements, Sub-Section 94-3(A)(4), of the Code of the Township of Marlboro be and is hereby amended and supplemented to amend the administrative penalty for late licensure of dogs as follows:

§ 94-3. Licensing requirements.

A. (4)

(a) There shall be no administrative or other penalty imposed for the late registration, prior to May 1st of any year, of a dog required to be licensed prior to that date under any of the sections of this article. An administrative penalty of Fifteen Dollars (\$15.00) shall be imposed for registration of a dog

required for licensing taking place on or after May 1st of any year. This payment shall be due and payable in addition to the registration fee.

(b) If a dog owner fails to register his or her dog for licensing before July 1st of any year for dog licensing required prior to that date, then such owner shall be deemed to be in violation of the Code of the Township of Marlboro and thereby subject to the imposition of the minimum fine set forth in § 94-8 of this article. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 94 Animals, Article III, Licensing of Cats, Section 94-20, Licenses Required, Sub-Section 94-20(G), License Fee Schedule, of the Code of the Township of Marlboro be and is hereby amended and supplemented to amend the administrative penalty for late licensure of cats as follows:

§ 94-20. Licenses Required.

G. License fee schedule. A license shall be issued after payment of a fee of \$7.20 for a cat one year of age or under, \$5.00 for a cat over the age of one year and spayed or neutered, and \$7.20 for each cat over the age of one year and not spayed or neutered by January 30th of each given year. There shall be no administrative or other penalty imposed for the late registration, prior to May 1st any year, of a cat required to be licensed prior to that date under any of the sections of this article. An administrative penalty of Fifteen Dollars (\$15.00) shall be imposed for registration of a cat required for licensing taking place on or after May 1st of any year. This payment shall be due and payable in addition to the registration fee.

(1) If a cat owner fails to license his or her cat before July 1st of any year for cat licensing required prior to that date, then such owner shall be deemed to be in violation of the Code of the Township of Marlboro and thereby subject to the imposition of the minimum fine set forth in § 94-21 of this article. No municipal court

appearance shall be required unless the owner pleads not guilty to the alleged violation.

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

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

The following Res. # 2010-112 (Consenting to Mayor's Re-appointment of Dr. Michael Cali to Ethics Board) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-112

A RESOLUTION CONSENTING TO THE MAYOR'S RE-APPOINTMENT OF DR. MICHAEL CALI TO THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, Section 4-102 of the Code of the Township of Marlboro establishes the Marlboro Township Ethics Board; and

WHEREAS, said Board shall consist of six (6) members who shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethics Board shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs; and

WHEREAS, by Resolution #2005-173, the Mayor appointed Dr. Michael Cali to the Marlboro Township Ethics Board for a term of five (5) years; and

WHEREAS, Dr. Michael Cali's term is due to expire on March 31, 2010; and

WHEREAS, Mayor Jonathan L. Hornik desires to re-appoint Dr. Michael Cali to the Marlboro Township Ethics Board for a five (5) year term; and

WHEREAS, the Township Council desires to consent to the Mayor's re-appointment of Dr. Michael Cali to the Marlboro Township Ethics Board for a five (5) year term.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that it hereby consents to the Mayor's re-appointment of Dr. Michael Cali to the Marlboro Township Ethics Board for a five (5) year term; and

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

- a. Dr. Michael Cali
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2010-69 (Purchase on State Contract - Office Furniture for Police Dept.) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-69

RESOLUTION AUTHORIZING THE PURCHASE OF OFFICE
FURNITURE FOR THE MARLBORO TOWNSHIP POLICE
DEPARTMENT STATE CONTRACT #69980

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase office furniture for two administrative offices in the Township Police Department from Global Industries, Inc., 17 West Stow Road, P.O. Box 562, Marlton, NJ 08053 c/o Allstate Office Interiors, Inc., under State Contract #69980 for an amount not to exceed \$12,745.42; 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 necessary to provide said furniture to the Township of Marlboro's Police Department for their administrative functions; and

WHEREAS, funds are available in Capital Account Number X-04-55-962-913 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 furniture for the aforesaid purposes.

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 furniture for two administrative offices in the Township Police Department from Global Industries, Inc., 17 West Stow Road, P.O. Box 562, Marlton, NJ 08053 c/o Allstate Office Interiors, Inc., under State Contract #69980 for an amount not to exceed \$12,745.42; and

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

- a. Global Industries, Inc.
17 West Stow Road, P.O. Box 562
Marlton, NJ 08053
c/o Allstate Office Interiors, Inc.
Attn: Rosie Silletti
- b. Township Administrator
- c. Township Municipal Court
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2010-113 (CAD/RMS Software Maintenance) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-113

A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT WITH CODY COMPUTER SERVICES, INC. FOR CAD/RMS SOFTWARE MAINTENANCE FOR THE CODY SYSTEM FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, there exists a need for CAD/RMS Software Maintenance for the Marlboro Township Police Department Cody System; and

WHEREAS, under Local Public Contracts law, N.J.S.A. 40A:11-5(1)(dd) a municipality may enter into an agreement for a contract amount that exceeds the bid threshold without public advertising for bids and bidding therefor, by resolution of the municipality's governing body, if such services or goods are in connection with the support or maintenance of proprietary computer hardware and software; and

WHEREAS, the amount of the contract in question is capped at \$22,018.94, for a contract period of May 1, 2010 through April 30, 2011; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer of the Township of Marlboro with the Township Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C: 5:34-5.2; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. , 40A:11-1, et seq., as amended, requires that notice of the award of this contract be published once in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Mayor and the Township Clerk are hereby authorized and directed to sign an agreement with CODY Computer Services, Inc., 1005 East High Street, Pottstown, PA 19464, for a flat fee not to exceed \$22,018.94 for CAD/RMS Software Maintenance for the Marlboro Township Police Department CODY SYSTEM for the contract period of May 1, 2010 through April 30, 2011; and

BE IT FURTHER RESOLVED, that this contract is awarded without public advertising for bids and bidding therefore as an "Exception" in accordance with N.J.S.A. 40A:11-5(1)(dd) of the Local Public Contract Law; and

BE IT FURTHER RESOLVED, that a Determination of Value shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage; and

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

- a. CODY Computer Services, Inc.
- b. Mayor Jonathan Hornik
- c. Marlboro Township Administrator
- d. Marlboro Township Police Chief
- e. Marlboro Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-114 (Authorizing Contract Amendment CME Litigation Support Services) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. Discussion followed during which Ronald Gordon, Esq. clarified the resolution. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-114

A RESOLUTION AUTHORIZING AN AMENDMENT TO
THE PROFESSIONAL SERVICES CONTRACT BETWEEN
CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO
FOR LITIGATION SUPPORT SERVICES IN CONNECTION
WITH THE SHIFRA ASSOCIATES, LLC V. TOWNSHIP
OF MARLBORO LITIGATION

WHEREAS, the Township requires legal support services for engineering issues (the "Professional Services") in connection with litigation known Shifra Associates, LLC v. Township of Marlboro, Docket No. MON-L-4338-09 (the "Litigation"); and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Litigation at a fee not to exceed \$10,000.00 for such additional Professional Services as further described and set forth in CME's written proposal dated March 10, 2010

(the "Proposal"), such Proposal being attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 0-01- -050-283; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire CME Associates to provide the required additional Professional Services for the Litigation in accordance with the Proposal; and

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) for the Litigation (as described and defined hereinabove), in accordance with the Proposal (as defined

hereinabove and attached hereto), pursuant to a non-fair and open process; and

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

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

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

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

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

The following Res. # 2010-115 (Authorizing Contract Amendment - T & M Litigation Support) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-115

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN T&M ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR LITIGATION SUPPORT SERVICES IN CONNECTION WITH THE SHIFRA ASSOCIATES, LLC V. TOWNSHIP OF MARLBORO LITIGATION

WHEREAS, the Township requires legal support services for planning issues (the "Professional Services") in connection with litigation known Shifra Associates, LLC v. Township of Marlboro, Docket No. MON-L-4338-09 (the "Litigation"); and

WHEREAS, the Township of Marlboro and T&M Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Litigation at a fee not to exceed \$7,280.00 for such additional Professional Services as further described and set forth in T&M Associates' written proposal dated March 15, 2010 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account #-01-050-283; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire T&M Associates to provide the required additional Professional Services for the Litigation in accordance with the Proposal; and

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

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

WHEREAS, T&M Associates have previously completed and submitted a Business Entity Disclosure Certificate certifying that T&M Associates has not made any reportable contributions that would bar the award of a contract

pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between T&M Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) for the Litigation (as described and defined hereinabove), in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$7,280.00 for such additional Professional Services for the Litigation as described in the Proposal; and

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

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

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

- a. T&M Associates, 11 Tindall Road, Middletown, NJ 07748-2792
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-116 (Authorizing Contract Amendment CME Stream Cleaning Permit Fletcher Drive) was introduced by reference, offered by Council President LaRocca, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-116

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE COORDINATION OF EXISTING PERMITS TO EFFECTUATE STREAM CLEANING IN CONNECTION WITH THE FLETCHER DRIVE/BARCLAY BROOK/WOODHAVEN VILLAGE FLOODING ISSUE

WHEREAS, the Township requires environmental consulting services in connection with the stream cleaning for the Fletcher Drive/Barclay Brook/Woodhaven Village flooding issue, Block 270, Lot 59, Marlboro Township, Monmouth County, New Jersey, and Block 22001, Various Lots, Old Bridge, New Jersey, (the "Project"); and

WHEREAS, CME Associates provided a proposal dated January 22, 2010 for professional environmental consulting services to secure permits in connection with the Project; and

WHEREAS, the scope of the professional services has changed from applying for and obtaining permits, to the coordination of existing permits to effectuate stream cleaning in connection with the Project (the "Professional Services") for which CME Associates has provided a revised proposal dated March 10, 2001 (the "Revised Proposal"); and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Project at a fee not to exceed \$7,500.00 for such additional Professional Services as further described and set forth in CME's Revised Proposal, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # X-04-55-960-930; and

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

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) for the Project (as described and defined hereinabove), in accordance with the Revised Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$7,500.00 for such additional Professional Services for the Project as described in the Revised Proposal; and

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

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

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

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

The following Res. # 2010-117 (Emergency Temporary Appropriation) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-117

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2010 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2009 appropriations with the

exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2010 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$16,938,209.21 for the municipal budget, \$547,500.00 for the operations of the swim utility and \$4,216,396.00 for the operations of the water utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2010 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

2010 TEMPORARY EMERGENCY APPROPRIATION

Current Fund	2009 Appropriation	2010 Temporary Emergency Appropriation
Administration (30)		
Salary & Wages	160,000.00	142,500.00
Other Expenses	170,585.00	25,000.00
Office of the Mayor (10)		
Salary & Wages	60,500.00	30,250.00
Other Expenses	5,300.00	2,650.00
Ethics Commission		
Salary & Wages		
Other Expenses	500.00	250.00
Township Council (21)		
Salary & Wages	14,400.00	7,200.00
Other Expenses	2,000.00	1,000.00

Municipal Clerk (20)		
Salary & Wages	185,000.00	92,500.00
Other Expenses	61,000.00	30,500.00
Finance		
Salary & Wages	255,000.00	127,500.00
Other Expenses	23,000.00	15,000.00
Annual Audit	35,000.00	0.00
Central Computer Services		
Salary & Wages	84,000.00	42,000.00
Other Expenses	22,800.00	11,400.00
Tax Collector		
Salary & Wages	210,000.00	105,000.00
Other Expenses	56,650.00	28,325.00
Tax Assessor		
Salary & Wages	180,000.00	90,000.00
Other Expenses	88,800.00	44,400.00
Legal Services		
Other Expenses	400,000.00	200,000.00
Engineering Services		
Salary & Wages	255,000.00	127,500.00
Other Expenses	141,300.00	70,650.00
Economic Development		
Salary & Wages	2,000.00	1,000.00
Other Expenses	10,000.00	5,000.00
Grant Administration		
Salary & Wages		
Other Expenses	19,000.00	9,500.00
Cable Studio		
Salary & Wages		
Other Expenses	45,000.00	22,500.00
Inter- Governmental Relations		
Other Expenses	1,000.00	500.00

Homeland Security		
Salary & Wages	30,000.00	15,000.00
Other Expenses	28,500.00	14,250.00
Historic Sites Commission		
Other Expenses	1,000.00	500.00
Planning Board		
Salary & Wages	64,000.00	32,000.00
Other Expenses	34,800.00	17,400.00
Planning Board Contractual		
Other Expenses	31,400.00	15,700.00
Zoning Board		
Salary & Wages	158,000.00	79,000.00
Other Expenses	55,150.00	27,575.00
Liability Insurance	450,000.00	450,000.00
Workers Comp	600,000.00	600,000.00
Group Insurance	2,215,000.00	1,107,500.00
Unemployment Insurance	25,000.00	12,500.00
Police		
Salary & Wages	8,380,000.00	4,190,000.00
Other Expenses	363,000.00	181,500.00
Crime Prevention		
Other Expenses	23,405.00	11,702.50
School Educational Programs		
Other Expenses	13,900.00	6,950.00
Highway Safety		
Other Expenses	21,900.00	10,950.00
Emergency Management		
Salary & Wages	23,000.00	11,500.00
Other Expenses	16,850.00	8,425.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00

Uniform Fire Safety Act		
Salary & Wages	133,500.00	66,750.00
Other Expenses	13,340.00	6,670.00
Municipal Prosecutors Office		
Salary & Wages	32,500.00	16,250.00
Streets and Road Maint		
Salary & Wages	1,555,000.00	777,500.00
Other Expenses	45,715.00	22,857.50
Snow Removal		
Salary & Wages	50,000.00	50,000.00
Other Expenses	372,290.00	769,390.00
Public Works – Other		
Salary & Wages	350,000.00	175,000.00
Other Expenses	66,020.00	33,010.00
Shade Tree Commission		
Salary & Wages		0.00
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	20,600.00	10,300.00
Other Expenses	704,124.00	352,062.00
Buildings & Grounds		
Salary & Wages	442,000.00	221,000.00
Other Expenses	232,140.00	116,070.00
Vehicle Maintenance		
Salary & Wages	415,000.00	207,500.00
Other Expenses	129,800.00	64,900.00
Community Services Act		
Other Expenses	94,700.00	0.00
Open space Committee		
Other Expenses	2,500.00	1,250.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,670.00	835.00

Drug Abuse Control		
Salary & Wages	10,000.00	5,000.00
Other Expenses	7,550.00	3,775.00
Environmental Health Services		
Salary & Wages	2,000.00	1,000.00
Other Expenses	5,000.00	2,500.00
Animal Control Services		
Other Expenses	55,000.00	27,500.00
Recreation		
Salary & Wages	410,000.00	205,000.00
Other Expenses	126,940.00	63,470.00
Park Maintenance		
Salary & Wages	515,000.00	257,500.00
Other Expenses	44,605.00	22,302.50
Municipal Library		
Other Expenses	16,200.00	8,100.00
Prior Year Bills	10,000.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Deficit in Animal control	1,929.19	0.00
Postage		
Other Expenses	60,000.00	30,000.00
Electricity	412,000.00	206,000.00
Street Lighting	674,000.00	337,000.00
Telephone	150,000.00	75,000.00
Water	24,000.00	12,000.00
Natural Gas	95,000.00	47,500.00
Sewer	10,400.00	5,200.00
Gasoline	336,500.00	168,250.00
Landfill Disposal Costs	222,200.00	111,100.00

PERS	345,000.00	679,885.00
FICA	1,000,000.00	500,000.00
Contingent	10,000.00	5,000.00
Municipal Court		
Salary & Wages	308,000.00	154,000.00
Other Expenses	125,140.00	62,570.00
Public Defender		
Salary & Wages	16,000.00	8,000.00
Other Expenses		
Affordable Housing		
Salary & Wages	4,000.00	2,000.00
Other Expenses	4,300.00	2,150.00
Police Dispatch 911		
Salary & Wages	660,000.00	330,000.00
Other Expenses	248,000.00	124,000.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	916,058.50	1,905,039.00
SFSP Fire District Payments		
Other Expenses	14,229.00	0.00
Clean Communities Act	51,267.57	24,134.34
Monmouth Drug & Alcohol		
Grant Share	28,547.00	28,547.00
Local Share	7,136.00	7,136.00
Recycling tonnage Grant	40,370.49	51,127.94
DDEF	0.00	4,629.47
Body Armor Grant	6,970.90	1,625.00
2008 Green Communities Phase II Grant	3,000.00	0.00

Click It or Ticket	4,000.00	0.00
Handicapped Recreation Opportunities Grant		
Grant Share	2,100.00	0.00
Local Match	420.00	0.00
Alcohol Rehab Grant	1,124.46	788.96
NJ Forest Service Grant	0.00	6,967.00
Bond Principal	1,855,000.00	0.00
Bond Anticipation Notes	41,175.00	41,175.00
Bond Interest	567,500.00	250,000.00
Note Interest	183,610.00	197,675.00
Green Acres Trust - P & I	28,865.00	28,865.00
Capital Lease program		
Principal	274,200.00	0.00
Interest	43,569.00	14,525.00
Emergency Authorizations	305,000.00	0.00
Deferred Charges	0.00	
Reserve for Uncollected Taxes	1,900,000.00	0.00
Totals	32,021,046.11	16,938,209.21
Swim Utility		
Salary & Wages	435,000.00	217,500.00
Other Expenses	604,762.50	300,000.00
Capital Outlay	60,000.00	30,000.00
Payment of Bond Principal	10,000.00	0.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	237.50	0.00

Fund Totals	1,110,000.00	547,500.00
Water Utility		
Administration		
Salary & Wages	378,370.00	189,185.00
Fringe Benefits	122,135.00	61,067.50
Other Expenses	406,200.00	203,100.00
Cost of Providing Services		
Salary & Wages	494,650.00	247,325.00
Fringe Benefits	155,445.00	77,722.50
Other Expenses	4,260,503.00	2,130,251.50
Payment of Bond Principal	886,321.00	443,160.50
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,729,168.00	864,584.00
Fund Totals	8,432,792.00	4,216,396.00

The following Res. # 2010-118 (Accepting 2009 Business Stimulus Grant) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-118

**GRANT AGREEMENT
BETWEEN**

**MARLBORO TOWNSHIP
AND
THE STATE OF NEW JERSEY
BY AND FOR**

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GOVERNING BODY RESOLUTION

The governing body of Marlboro Township (print Grantee's name)

desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$ 6,967 to fund the following project:
2009 Business Stimulus Fund Grant (BSF)

Therefore, the governing body resolves that Jonathan L. Hornik or the successor to the office of (print name) Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute (print title of authorized official) a grant agreement with the State for a grant in an amount not less than \$ 6,967 and not more than \$ 6,967, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

The following Res. # 2010-119 (Award of Bid: Pool maintenance Service Swim & Recreation) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-119

A RESOLUTION AWARDING A CONTRACT TO AQUATIC SERVICE INC. FOR THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE MARLBORO SWIM CLUB AND THE MARLBORO RECREATION AQUATIC CENTER FOR CALENDAR YEARS 2010 AND 2011 WITH AN OPTION TO RENEW FOR YEARS 2012 AND 2013

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of pool maintenance services for the Marlboro Swim Club and the Marlboro Recreation Aquatic Center for calendar years 2010 and 2011 with an option for two (2) one (1) year renewal terms for years 2012 and 2013, and on March 17, 2010 the Township received two (2) bids therefor; and

WHEREAS, the two (2) received bids were from the following bidders

- (1) Aquatic Service Inc. 170 Burlington Avenue, Spotswood, NJ 08884, for bid prices set forth in

the attached Schedule "A", totaling \$75,166.00 for year 2010 and \$87,921 for year 2011; and

- (2) American Pool Management, 85 Campus Drive, Edison, NJ 08837 for the bid prices set forth in the attached Schedule "B", totaling \$82,940.48 for year 2010 and \$95,597.42 for year 2011 ; and

WHEREAS, the Township Administration, and the Swim Club and Aquatic Center management have reviewed the said bids received and recommended that same be awarded to Aquatic Service Inc., to provide pool maintenance services for the Marlboro Swim Club and the Marlboro Recreation Aquatic Center for calendar years 2010 and 2011 with an option for two (2) one (1) year renewal terms for years 2012 and 2013, for the respective bid prices set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a contract to Aquatic Service Inc., to provide pool maintenance services for the Marlboro Swim Club and the Marlboro Recreation Aquatic Center for calendar years 2010 and 2011 with an option for two (2) one (1) year renewal terms for years 2012 and 2013, for the respective bid prices set forth in Schedule "A" attached hereto and made a part hereof; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Aquatic Service Inc., of Spotswood, New Jersey to provide pool maintenance services for the Marlboro Swim Club and the Marlboro Recreation Aquatic Center for calendar years 2010 and 2011 with an option for two (2) one (1) year renewal terms for years 2012 and 2013, for prices not to exceed the respective bid prices set forth in Schedule "A" attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Aquatic Service Inc., of Spotswood, New Jersey to provide pool maintenance services for the Marlboro Swim Club and the Marlboro Recreation Aquatic Center for calendar years 2010 and 2011 with an option for two (2) one (1) year renewal terms for years 2012 and 2013, for prices not to exceed the respective bid prices set forth in Schedule "A" attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that funds are available and have been certified to by the Chief Financial Officer and are available in Account Nos. 0-07-700-736 and T-17-56-867-817; and

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

- a. Aquatic Service Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Swim Club Manager
- e. Township Aquatic Center Manager
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole, LLP

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2010-120 (Tax Sale Costs), Res. #2010-121 - Refunds for Overpayments - Various), Res. #2010-122 (Refunds to WMUA - Various), Res. #2010-123 (Refunds to WMUA - Various), Res. #2010-124 (Raffle License Marlboro Jewish Center - Off Premise Merchandise), and Res. #2010-125 (Raffle License Marlboro Jewish Center - Casino Night).

RESOLUTION # 2010-120

WHEREAS, the Township of Marlboro will hold a Tax Sale on April 19th, 2010; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of Marlboro is entitled to recover costs in connection with the tax sale including, but not limited to, advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Kelly A. Hahn, Tax Collector, be and hereby is authorized and directed to

charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, minimum \$15.00, maximum \$100.00.

RESOLUTION # 2010-121

WHEREAS, the attached list in the amount of \$9,564.00 known as Schedule "A", is comprised of amounts representing overpayments for 2009 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2009 REFUND</u>
147.01	8	First American Real Estate Tax Service P.O. Box 961230 Fort Worth, TX 76161-0230	\$9,564.00
11 Ellis Ct.			
TOTAL:			<u>\$9,564.00</u>

RESOLUTION # 2010-122

WHEREAS, current sewer charges totaling \$16,408.40 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$16,408.40 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#09-102	316 12	NITHI SERVICES	152.40
8 ST LAWRENCE WAY			
TSC#09-53	173 7	NITHI SERVICES	151.82
234 TEASDALE PL C0234			
TSC#09-94	290 7	NITHI SERVICES	182.61
11 LINDSAY DR			

TSC#09-67 565 MANCHESTER	178 C0565	2	NITHI SERVICES	182.62
TSC#09-58 719 SNOWDROP CT	176 C0719	7	NITHI SERVICES	151.24
TSC#09-47 2 ORCHARD PKWY	122	2	NITHI SERVICES	217.85
TSC#08-52 3 LEE CT.	214	3.09	APPROVED REALTY	226.58
TSC#08-61 2 EATON CT.	349	10	APPROVED REALTY	115.78
TSC#09-65 379 YORKSHIRE PL	178 C0379	2	STUART LASHER	217.86
TSC#09-81 26 HUDSON ST	219	3	STUART LASHER	166.15
TSC#08-57 212 TRACY DR	305	93	NASDOM	110.45
TSC#09-55 428 INDIGO CT	176 C0428	7	FRANK FESTA, JR.	190.26
TSC#08-60 28 COLLINGWOOD RD.	346	1	APPROVED REALTY	229.77
TSC#09-30 21-23 SCHOOL RD. W.	351	5	ISAAC LEVY	403.82
TSC#09-51 207 CONWAY CT.	160	45	ROYAL TAX LIEN	182.63
TSC#09-97 239 YELLOWKNIFE RD.	300	79	ROYAL TAX LIEN	182.60
TSC#08-64 5 RODEO DRIVE	392	27.03	CCTS TAX LIEN I	112.40
TSC#09-28 74 OTTOWA ROAD SOUTH	326	11	PLYMOUTH PARK	169.68

TSC#08-14	176	7	FIDELITY TAX	112.36
1059 ROSEBERRY CT	C1059			
TSC#09-91	288	29	JAMES C. OLDER	225.33
234 RAVENSWOOD RD	C0234			
TSC#09-72	192	4	JAMES C. OLDER	259.78
35 STONY HILL DR.				
TSC#09-65	178	2	STUART LASHER	329.46
379 YORKSHIRE PL	C0379			
TSC#09-81	219	3	STUART LASHER	190.26
26 HUDSON ST.				
TSC#08-2	107	7	NASDOM, LLC	224.75
13 WICKER PL.				
TSC#08-57	305	93	NASDOM, LLC	227.72
212 TRACY DR.				
TSC#08-61	349	10	APPROVED REALTY	343.68
2 EATON CT.				
TSC#08-55	299	106	CCTS TAX LIEN I	226.39
11 CLAYTON RD.				
TSC#08-64	392	27.03	CCTS TAX LIEN I	229.79
5 RODEO DR.				
TSC#09-58	176	7	NITHI SERVICES	376.69
719 SNOWDROP CT.	C0719			
TSC#09-94	290	7	NITHI SERVICES	304.28
11 LINDSAY DR.				
TSC#09-102	316	12	NITHI SERVICES	375.59
8 ST LAWRENCE WAY				
TSC#09-97	300	79	ROYAL TAX LIEN	302.11
239 YELLOWKNIFE RD.				
TSC#09-113	412.03	9	US BANK CORP.	374.37
18 WARBLER RD.				
TSC#09-100	305	61	US BANK CORP.	338.64
44 VISTA DR.				

TSC#09-92	288	29	US BANK CORP.	373.25
455 BAYBERRY CT.		C0455		
TSC#09-86	271	1	US BANK CORP.	190.36
22 RILEY RD.				
TSC#09-78	214.0	30	US BANK CORP.	338.59
3 BRETON CT.				
TSC#09-75	195	6	US BANK CORP.	302.76
4 PEACH TREE CT.				
TSC#09-50	150	6	US BANK CORP.	339.46
35 TENNENT RD.				
TSC#09-90	288	29	US BANK CORP.	304.31
23 ASPEN AVE.		C0023		
TSC#08-14	176	7	FIDELITY TAX	233.07
1059 ROSEBERRY CT.		C1059		
TSC#08-57	305	93	NASDOM, LLC	343.30
212 TRACY DR.				
TSC#08-2	107	7	NASDOM, LLC	234.65
13 WICKER PL.				
TSC#08-62	359.01	19	CCTS TAX LIEN I	236.42
28 WITHERSPOON WAY				
TSC#08-55	299	106	CCTS TAX LIEN I	236.35
11 CLAYTON RD.				
TSC#08-64	392	27.03	CCTS TAX LIEN I	345.43
5 RODEO DR.				
TSC#09-98	300.01	1	US BANK CORP	458.43
204 YELLOWKNIFE RD.				
TSC#09-63	178	2	US BANK CORP	421.77
57 CULFORD PL.		C0057		
TSC#09-64	178	2	US BANK CORP	391.12
315 DEVON PL.		C0315		
TSC#09-92	288	29	US BANK CORP	389.87
455 BAYBERRY CT.		C0455		

TSC#09-86	271	1	US BANK CORP	103.70
22 RILEY RD.				
TSC#08-14	176	7	FIDELITY TAX	345.39
1059 ROSEBERRY CT C1059				
TSC#09-97	300	79	ROYAL TAX LIEN	421.67
239 YELLOWKNIFE RD.				
TSC#08-2	107	7	NASDOM, LLC	353.51
13 WICKER PL.				
TSC#08-52	214	3.09	NASDOM, LLC	598.19
3 LEE CT.				
TSC#08-55	299	106	CCTS TAX LIEN I	360.20
11 CLAYTON RD.				
TSC#08-62	359.01	19	CCTS TAX LIEN I	360.30
28 WITHERSPOON WAY				
TSC#08-64	392	27.03	CCTS TAX LIEN I	469.31
5 RODEO DR.				
TSC#08-14	176	7	FIDELITY TAX	469.27
1059 ROSEBERRY CT C1059				
TOTAL:				\$ 16,408.40

RESOLUTION # 2010-123

WHEREAS, current water charges totaling \$273.96 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned water charges in the amount of \$273.96 be refunded to the Marlboro Township Municipal Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#09-115	148 14	NITHI SERVICES	\$13.25
139 TENNENT RD.			

TSC#09-117 4 EVAN DR.	180	45	ROYAL TAX LIEN	30.00
TSC#09-9 319 BAYVIEW DR.	153	62.06	PLYMOUTH PARK	27.79
TSC#09-2 17 THOMAS LN.	106	6	PLYMOUTH PARK	27.78
TSC#09-91 234 RAVENSWOOD RD	288	29	JAMES C. OLDER	30.00
		C0234		
TSC#09-72 35 STONY HILL DR.	192	4	JAMES C. OLDER	30.00
TSC#09-117 4 EVAN DR.	180	45	ROYAL TAX LIEN	12.11
TSC#09-9 319 BAYVIEW DR.	153	62.06	PLYMOUTH PARK	14.94
TSC#09-2 17 THOMAS LN.	106	6	PLYMOUTH PARK	14.73
TSC#09-9 319 BAYVIEW DR.	153	62.06	PLYMOUTH PARK	15.37
TSC#09-2 17 THOMAS LN.	106	6	PLYMOUTH PARK	15.23
TSC#09-117 4 EVAN DR.	180	45	ROYAL TAX LIEN	12.46
TSC#08-57 212 TRACY DR.	305	93	NASDOM	30.30

TOTAL:	<u> </u>	\$273.96
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RESOLUTION # 2010-124

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 07-2010 (Off Premise Merchandise) be and it is hereby granted to Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on June 12, 2010 at 10:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2010-125

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 08-2010 (Casino Night) be and it is hereby granted to Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on June 12, 2010 from 9:15 PM to 12:30 AM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

The following Res. # 2010-127 (Tax Assessor - Duties and Requirements) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-127__

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

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

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

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

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

WHEREAS, in certain instances outlined in N.J.S.A. 54:3-21, taxpayers and taxing districts are authorized to file appeals to the county board of taxation or, if the

statutory requirements are satisfied, to file a complaint directly with the Tax Court; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, in addition to those powers given to the Tax Assessor by statute, the Tax Assessor may authorize the filing with the Monmouth County Board of Taxation or Tax Court such appeals or complaints as may be necessary to maintain the accuracy and equality in the assessment list of the Township of Marlboro, in accordance with the procedures set forth by the applicable statutory provisions and/or approved by the New Jersey Division of Taxation and/or the New Jersey Attorney General's Office; and

BE IT FURTHER RESOLVED that the Tax Assessor is hereby authorized to file complaints on behalf of the Township of Marlboro based upon farmland and rollback procedures; and

BE IT FURTHER RESOLVED that, with respect to appeals or complaints filed by a taxpayer with the Monmouth County Board of Taxation or Tax Court, the Tax Assessor may authorize the filing of cross petitions of appeal and counterclaims; and

BE IT FURTHER RESOLVED that the Tax Assessor is authorized to negotiate settlements of appeals or complaints filed with the Monmouth County Board of Taxation or the Tax Court and to authorize settlements of such appeals without obtaining the Township Council's approval in the event the settlement involves \$17,500 or less per parcel per tax year on behalf of the Township of Marlboro.

Regarding Item #21B (DISCUSSION - Revision to Sign Ordinance) was moved to the April 15th agenda.

At 10:45PM, Council Vice President Marder moved that the meeting go into executive session for reason of discussing contract negotiations. This was seconded by Councilman

Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2010-126

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 18th day of March, 2010 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

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

At 10:55PM, Council Vice President Marder moved that the meeting be opened. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

At 10:56PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Council President LaRocca, and there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: APRIL 15, 2010

OFFERED BY: MARDER AYES: 4

SECONDED BY: MAZZOLA NAYS: 0

ABSENT: CANTOR

ALIDA MANCO
MUNICIPAL CLERK

FRANK LA ROCCA
COUNCIL PRESIDENT