

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 21, 2010

The Marlboro Township Council held its special meeting on June 21, 2010 at 7:00 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 special meeting of the Township Council of the Township of Marlboro was e-mailed to the Asbury Park Press, the Star Ledger and News Transcript on June 17, 2010; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website.

The Clerk called the roll.

PRESENT: Councilman Cantor, Councilwoman Mazzola, Councilman Metzger, Council President LaRocca. Absent: Council Vice President Marder.

Also present were: Mayor Jonathan Hornik, Daniel Zwillenberg, Esq., Business Administrator Jonathan Capp, CFO Ulrich Steinberg and Municipal Clerk Alida Manco.

The following Resolution #2010-233/Ordinance #2010-15 (Exceed Municipal Budget Appropriation Limits and Establish a CAP bank) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola. CFO Ulrich Steinberg explained the ordinance. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2010-233

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

ORDINANCE # 2010-15

CALENDAR YEAR 2010

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

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

BE IT FURTHER RESOLVED that the same be considered for
final passage on July 15, 2010 at 7:00 p.m. at the
Marlboro Municipal Complex, 1979 Township Drive, Marlboro,
New Jersey, at which time all persons interested will be
given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2010-15

CALENDAR YEAR 2010

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

WHEREAS, the Local Government Cap Law, N.J.S.A.
40A: 4-45.1 et seq., provides that in the preparation of
its annual budget, a municipality shall limit any increase
in said budget to the CPI (0.0% in 2010) unless authorized
by ordinance to provide for an increase of 3.5% over the
previous year's final appropriations, subject to certain
exceptions; and,

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

WHEREAS, the Township Council of the Township of
Marlboro in the County of Monmouth finds it advisable to
allow for a CY 2010 appropriation limit of 3.5% over the
previous year's final appropriations, in the interest of
promoting the health, safety and welfare of the citizens;
and,

WHEREAS, the Township Council of the Township of
Marlboro hereby determines that an increase of up to 3.5%
in the appropriations for said year, in excess of the
increase in final appropriations otherwise permitted by the
Local Government Cap Law, is advisable; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final 2010 Municipal budget shall be retained as a "CAP bank" to be used in either of the next two succeeding years' municipal budgets.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the CAP on the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by an amount not to exceed 3.5%, and that the CY 2010 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

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

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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

The following Resolution #2010-234 (Cancellation of Funded Capital Projects - Water Utility) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2010-234

WHEREAS, the dissolution of the Marlboro Township Municipal Utility Authority was completed as of January 31, 2010, and

WHEREAS , the 1/31/10 balance sheet of the Marlboro Township Municipal Utility Authority reflected unspent proceeds from funded capital projects in the amount of

\$5,059,076.00 within the category of "Net Assets: Invested in Capital Assets, Net of Related Debt", and

WHEREAS, the projects for which the funding of these capital improvements was intended have been deemed as unnecessary by the Township Council of the Township of Marlboro,

NOW, THEREFORE, BE IT RESOLVED that the total of \$5,059,076.00 from the unspent proceeds of Capital Improvement programs (Funded Improvement Authorizations) from the years of 1999, 2005, and 2008 be hereby cancelled into the Water Utility Capital surplus.

The following Resolution #2010-235 (Authorizing Shared Services Agreement with State of New Jersey to Provide Security Services in connection with the Marlboro State Psychiatric Hospital Grounds) was introduced by reference, offered by Councilman Cantor and seconded by Councilman Metzger. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2010-235

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1 et seq., WITH THE STATE OF NEW JERSEY TO PROVIDE SECURITY SERVICES AT THE MARLBORO STATE PSYCHIATRIC HOSPITAL GROUNDS

WHEREAS, the State of New Jersey has been contracting with a private agency to provide limited security services at the former Marlboro State Psychiatric Hospital grounds ("the site"); and

WHEREAS, the Township of Marlboro Police Department is frequently called to respond to incidents at the site; and

WHEREAS, the State of New Jersey wishes to contract with the Township of Marlboro Police Department to provide security at the site; and

WHEREAS, such an agreement with the State would enable the Township to be compensated for work for which resources are already being committed; and

WHEREAS, the Township believes that an agreement between the State and the Township is in the best interest of the taxpayers of Marlboro Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that the Mayor and Township Clerk are hereby authorized to execute a contract in a form to be approved by the Township Attorney, with the State of New Jersey for provision of security services at the Marlboro State Psychiatric Hospital grounds for a fee of \$150,000 per year.

The following Resolution #2010-236 (Renewal Liquor License - Wickatunk Holdings) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council President LaRocca. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2010-236

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2010 through June 30, 2011.

- | | |
|-----------------------|-----------------|
| 1. Wickatunk Holdings | 1328 33 010 003 |
| T/A Andiron Inn | |

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Resolution #2010-237 (Introduction of 2010 Municipal Budget) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2010-237

RESOLUTION TO INTRODUCE
2010 MUNICIPAL BUDGET

BE IT RESOLVED that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2010, as introduced by the Municipal Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on August 12, 2010 at the Township of Marlboro Municipal Complex.

At 7:40 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilman Cantor, and there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JULY 15, 2010

OFFERED BY: MAZZOLA AYES: 3

SECONDED BY: METZGER NAYS: 0

ABSENT: CANTOR

ABSTAIN: MARDER

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LaROCCA,
COUNCIL PRESIDENT