

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 7, 2010

The Marlboro Township Council held its Reorganization Meeting on January 7, 2010 at 8:00pm 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 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 21, 2009; 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 Clerk called the Roll.

PRESENT: Council Vice President LaRocca, Councilwoman Marder, Council President Cantor (via skype). Councilwoman-elect Carol Mazzola and Councilman-elect Scott Metzger were also present.

Also present were: Mayor Jonathan L. Hornik, Jonathan L. Williams, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

The Invocation was given by Rabbi Liebis.

Mayor Jonathan Hornik administered the Oath of Office to Councilman Jeff Cantor.

Selika Josiah Gore, Esq. administered the Oath of Office to Carol Mazzola.

Mayor Jonathan Hornik administered the Oath of Office to Scott Metzger.

The Clerk called the Roll.

The following Resolution #2010-1 (Election of Council President - Frank LaRocca) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-1

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 4-7 of the Code of the Township of Marlboro, FRANK LARocca shall serve as the Council President of the Marlboro Township Council.

Mayor Jonathan Hornik administered the Oath of Office to Council President LaRocca.

The following Resolution #2010-2 (Election of Council Vice President - Randi Marder) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-2

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 4-7 of the Code of the Township of Marlboro, RANDI MARDER shall serve as the Council Vice President of the Marlboro Township Council.

Mayor Jonathan Hornik administered the Oath of Office to Vice President Randi Marder.

Council took a short recess.

The following Resolutions were introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor: Res. #2010-3

(Appointment of DeCotiis, Fitzpatrick, Cole & Wisler, LLP - General Legal Services), Res. #2010-4 (Appointment of DeCotiis, Fitzpatrick, Cole & Wisler, LLP - Labor Counsel), Res. #2010-5 (Appointment of DeCotiis, Fitzpatrick, Cole & Wisler, LLP - Bond Counsel) and Res. #2010-6 (Authorizing Contract - DeCotiis, Fitzpatrick, Cole & Wisler, LLP - Redevelopment Counsel).

RESOLUTION # 2010-3

RESOLUTION APPOINTING DECOTIIS, FITZPATRICK & COLE, LLP TO PROVIDE GENERAL LEGAL SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, pursuant to N.J.S.A. 40A:69A-43, Mayor Jonathan Hornik appointed Jonathan L. Williams, Esq., of the law firm of DeCotiis, FitzPatrick & Cole, LLP (formerly known as DeCotiis, FitzPatrick, Cole & Wisler, LLP), as Director of Law of the Township of Marlboro for the period of January 1, 2008 through December 31, 2011; and

WHEREAS, such appointment received the advice and consent of the Township Council by Resolution #2008-3; and

WHEREAS, the Township has requested proposals for general legal services through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the law firm of DeCotiis, FitzPatrick & Cole, LLP (formerly known as DeCotiis, FitzPatrick & Wisler, LLP) (hereinafter, the "Business Entity") submitted a proposal to the Township of Marlboro for general legal services; and

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

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions

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

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

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the appointment of the firm of DeCotiis, FitzPatrick & Cole, LLP, to provide general legal services pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. This appointment is made without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at an hourly rate of One Hundred Thirty-five Dollars (\$135.00) for legal services and an hourly rate of Eighty Dollars (\$80.00) for paralegal services; and

3. The performance of General Legal Services is authorized as of January 1, 2010 and shall continue until a professional legal services contract is negotiated and returned for approval by the Township Council at the first Council Meeting scheduled for the month of February 2010; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. Notice of this appointment shall be published as required by law; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator

- c. Jonathan L. Williams, Esq. of the firm of DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2010-4

RESOLUTION APPOINTING DECOTIIS, FITZPATRICK & COLE, LLP AS
LABOR COUNSEL FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township requires the legal services of Labor Counsel to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the law firm of DeCotiis, FitzPatrick & Cole, LLP (formerly known as DeCotiis, FitzPatrick & Wisler, LLP) (hereinafter, the "Business Entity") submitted a proposal to the Township of Marlboro for the legal services of Labor Counsel; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

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

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the appointment of DeCotiis, FitzPatrick & Cole, LLP to provide labor counsel to the Township of Marlboro pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 effective as of January 1, 2010; and

2. The appointment is made without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at an hourly rate of One Hundred Thirty-Five Dollars (\$135.00) for legal services provided by an attorney and an hourly rate of Eighty Dollars (\$80.00) for paralegal and law clerk services; and

3. The performance of Labor Counsel Services is authorized as of January 1, 2010 and shall continue until a professional legal services contract is negotiated and returned for approval by the Township Council at the first Council Meeting scheduled for the month of February 2010; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. Notice of this appointment shall be published as required by law; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2010-5

RESOLUTION APPOINTING DECOTIIS, FITZPATRICK & COLE, LLP AS
BOND COUNSEL FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township requires legal services of Bond Counsel to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the law firm of DeCotiis, FitzPatrick & Cole, LLP (formerly known as DeCotiis, FitzPatrick, Cole & Wisler, LLP) (hereinafter, the "Business Entity") submitted a proposal to the Township of Marlboro for the legal services of Bond Counsel; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the appointment pursuant to Marlboro Township Code Section 18 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 18 or N.J.S.A. 19:44A-20.5 will be made during the term of the appointment; and

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

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

1. The Town Council of the Township of Marlboro, in accordance with the Local Public Contracts Law, hereby authorizes and approves the appointment of DeCotiis, FitzPatrick & Cole, LLP pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-

20.5, as Bond Counsel, without competitive public bidding. Bond Counsel shall be paid in accordance with the following fee schedule:

(a) For services rendered or in connection with each bond sale, a fee of \$4,000.00 plus \$1.10 per thousand dollars of bonds issued. If more than one (1) series of bonds are issued, there will be a charge of \$1,000 for each additional series. In the event the bonds are insured, there will be an additional fee of \$1,000.

(b) For services rendered in connection with the preparation or review of each ordinance and the compiling of a certified record of proceedings in connection therewith, a fee of \$500.00 for each single purpose ordinance and \$675.00 for each multipurpose ordinance. If the preparation of the ordinance involves consultations, meetings or discussions that are out of the ordinary, or if a multipurpose ordinance includes more than four (4) separate purposes, there will be additional fees to be charged at the blended hourly rates set forth below. The fees for services in connection with the ordinances will be charged periodically during the course of the year.

(c) The fee for any temporary financing, including, but not limited to Bond Anticipation Notes and Tax Anticipation Notes, involving a private placement and not involving numerous notes, preparation of an Official Statement, complicated investment yield restrictions or attendance at closing, shall be billed at the rate of \$.75 per thousand dollars of notes issued, with a minimum fee of \$2,500. If additional services are required, such as with issues involving the combination of numerous ordinances, the additional time required will be billed at the blended hourly rates set forth below.

(d) Services rendered beyond the scope of those described above will be billed at hourly rates for attorneys and paralegals in effect when the services are rendered. The present hourly rates range from \$120.00 to \$195.00 per hour depending on the attorney or paralegal involved. Such services may include attendance at meetings, extraordinary work involved in the preparation of the Official Statement, attention to any litigation that may occur, arbitrage and tax analysis, applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series federal obligations or any other matters as

directed by the Town. If the Bond sale involves the sale of obligations to the United States Department of Agriculture, Rural Development, or an application to the Local Finance Board, such services will be billed at the blended hourly rates set forth above with a minimum fee of \$1,500.00, and if the Bond sale involves the sale of minibonds or participation in a New Jersey Environmental Infrastructure Trust financing, such services will be billed at the hourly rates set forth above with a minimum fee of \$2,500.00. In the event that bond insurance, a letter of credit or similar credit enhancement facility is used in connection with a bond issue, an additional fee based on the responsibility assumed and time involved will be charged.

(e) In the event of a refunding bond issue providing for an escrow agreement to provide for the payment of a prior issue of bonds, there will be a fee of \$5,000.00 for a single refunded bond issue and \$2,500.00 for each additional bond issue refunded in addition to the fees described herein.

(f) In the event a bond sale is held but all bids are rejected or the sale is cancelled, or this agreement is terminated prior to the sale of bonds, the fee to be charged shall be based on the blended hourly rates referred to herein.

(g) Customary disbursements for postage, telephone, document production and reproduction, travel and out-of-pocket expenses shall be added to the fees referred to above.

2. The performance of Bond Counsel Services is authorized as of January 1, 2010 and shall continue until a professional legal services contract is negotiated and returned for approval by the Township Council at the first Council Meeting scheduled for the month of February 2010; and

3. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

4. A notice of this appointment shall be published as required by law; and

5. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2010-6

RESOLUTION APPOINTING DECOTIIS, FITZPATRICK & COLE, LLP
AS REDEVELOPMENT COUNSEL FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township requires the legal services of Redevelopment Counsel, to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the law firm of DeCotiis, FitzPatrick & Cole, LLP (formerly known as DeCotiis, FitzPatrick & Wisler, LLP) (hereinafter, the "Business Entity") submitted a proposal to the Township of Marlboro for the legal services of Redevelopment Counsel; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

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

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the appointment of DeCotiis, FitzPatrick & Cole, LLP to provide Redevelopment Counsel Services to the Township of Marlboro pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The appointment is made without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at an hourly rate of One Hundred Thirty-Five Dollars (\$135.00) for legal services provided by an attorney and an hourly rate of Eighty Dollars (\$80.00) for paralegal and law clerk services; and

3. The performance of Redevelopment Counsel Services is authorized as of January 1, 2010 and shall continue until a professional legal services contract is negotiated and returned for approval by the Township Council at the first Council Meeting scheduled for the month of February 2010; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. Notice of this appointment shall be published as required by law; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-7 (Authorizing Contract Township Engineer - CME) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-7

RESOLUTION APPOINTING CME ASSOCIATES AS TOWNSHIP
ENGINEER AND AUTHORIZING A PROFESSIONAL SERVICES
CONTRACT THEREFOR FOR THE YEAR 2010

WHEREAS, the Township of Marlboro is in need of the services of a Township Engineer, to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Township received a proposal dated December 11, 2009 (the "Proposal") from CME Associates (the "Business Entity") for the services of Township Engineer which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

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

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

1. The Township Council of the Township of Marlboro hereby confirms the appointment of CME Associates as Township Engineer, and hereby authorizes and approves the award of a Professional Services Contract thereto pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in CME Associates' Proposal dated December 11, 2009, a copy of which is attached hereto; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. CME Associates
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-8 (Authorizing Contract Conflict Engineer - Birdsall) was introduced by reference, offered by

Councilwoman Mazzola, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-8

RESOLUTION APPOINTING BIRDSALL ENGINEERING AS TOWNSHIP
CONFLICT/ALTERNATE ENGINEER AND AUTHORIZING A PROFESSIONAL
SERVICES CONTRACT THEREFOR FOR THE YEAR 2010

WHEREAS, the Township of Marlboro is in need of the services of a Township Conflict/Alternate Engineer, to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Township received a proposal dated December 21, 2009 (the "Proposal") from Birdsall Engineering (the "Business Entity") for the services of Township Engineer which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

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

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

1. The Township Council of the Township of Marlboro hereby confirms the appointment of Birdsall Engineering as Township Conflict/Alternate Engineer, and hereby authorizes and approves the award of a Professional Services Contract thereto pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in Birdsall Engineering's Proposal dated December 21, 2009, a copy of which is attached hereto; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published as required by law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Birdsall Engineering
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-9 (Authorizing Contract Special Counsel for COAH - Kenneth Biedzynski, Esq.) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-9

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF GOLDZWEIG, GREEN,
EIGER & BIEDZYNSKI, LLC AS SPECIAL COUNSEL FOR AFFORDABLE
HOUSING FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2010

WHEREAS, the Township requires the services of an attorney as Special Counsel for Affordable Housing, such services to be rendered by Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger Biedzynski, LLC under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

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

WHEREAS, the Township received a proposal dated December 17, 2009 for the services of Special Counsel for Affordable Housing (the "Proposal") from Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger Biedzynski, LLC (collectively, the "Business Entity") which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

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

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a Professional Services Contract to Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger Biedzynski, LLC as Special Counsel for Council on Affordable Housing pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at an hourly rate of One Hundred Thirty-Five Dollars (\$135.00) for legal services and an hourly rate of Eighty Dollars (\$80.00) for paralegal services; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published as required by law; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Kenneth Biedzynski of Goldzweig, Green, Eiger & Biedzynski
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-10 (Authorizing Contract Township Planner - Heyer, Gruel & Associates) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-10

RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL SERVICES TO HEYER, GRUEL & ASSOCIATES AS TOWNSHIP PLANNER FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2010

WHEREAS, the Township requires the services of a Township Planner, under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Township received a proposal dated December 15, 2009 for the services of Township Planner (the "Proposal") from Heyer, Gruel and Associates (the "Business Entity") which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

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

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

1. The Township Council of the Township of Marlboro, hereby awards a Professional Services Contract to the firm of Heyer, Gruel & Associates to provide the services of a Township Planner to the Township of Marlboro pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at the hourly rates set forth in Heyer, Gruel & Associates December 15, 2009 Proposal, attached hereto and made a part hereof; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published as required by law; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Heyer, Gruel & Associates
- d. DeCotiis, Fitzpatrick & Cole, LLP

The following Resolution #2010-11 (Authorizing Contract Conflict Township Planner - T & M) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-11

RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL SERVICES TO T&M ASSOCIATES AS TOWNSHIP CONFLICT PLANNER FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2010

WHEREAS, the Township requires the services of a Township Conflict Planner, under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Township received a proposal dated December 15, 2009 for the services of Township Conflict Planner (the "Proposal") from T&M Associates (the "Business Entity") which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

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

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

1. The Township Council of the Township of Marlboro, hereby awards a Professional Services Contract to the firm of T&M Associates to provide the services of a Township Conflict Planner to the Township of Marlboro pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at the same hourly rates paid to the Township Planner; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published as required by law; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. T&M Associates
- d. DeCotiis, Fitzpatrick & Cole, LLP

The following Resolution #2010-12 (Authorizing Contract Conflict Township Attorney - Goldzweig, Green, Eiger & Biedzynski, LLC) was introduced by reference, offered by Councilman Metzger, seconded

by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-12

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO THE FIRM OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC FOR SERVICES AS CONFLICT TOWNSHIP ATTORNEY FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2010

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

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

WHEREAS, the aforescribed services of Township Conflict Attorney shall be rendered by the firm of Goldzweig, Green, Eiger Biedzynski, LLC (collectively, the "Business Entity") under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, funds will be available for this purpose in the 2010 Municipal Budget; and

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

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at

least ten (10) days prior hereto, as required by P.L. 2005, c. 271.

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a Professional Services Contract to Goldzweig, Green, Eiger Biedzynski, LLC as Conflict Township Attorney pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at an hourly rate of One Hundred Thirty-Five Dollars (\$135.00) for legal services and an hourly rate of Eighty Dollars (\$80.00) for paralegal services; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published as required by law; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Goldzweig, Green, Eiger & Biedzynski
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-13 (Authorizing Contract Auditor - Wiss & Company) was introduced by reference, offered by Councilwoman

Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-13

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND EXECUTION
OF A PROFESSIONAL SERVICES CONTRACT WITH WISS & COMPANY,
LLP TO ACT AS THE INDEPENDENT TOWNSHIP AUDITOR

WHEREAS, the Township of Marlboro requires the services of an auditor to provide the 2009 statutory audit of Township financial records and to perform the duties and render such services as may from time to time be requested by the Township Council, the Chief Financial Officer or the Township Administrator (collectively referred to hereinafter as the "Audit and Related Services") and issued a Request for Proposals for Audit and Related Services in December 2009; and

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

WHEREAS, the Township received a proposal dated December 8, 2009 from Wiss & Company, LLP, for Audit and Related Services (the "Proposal") which sets forth the terms and conditions under which such services are to be rendered by Wiss & Company, LLP (the "Business Entity") under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be made available for the purpose addressed in this resolution within the 2010 municipal budget.

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

or N.J.S.A. 19:44A-20.5 will be made during the term of the contract; and

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

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a Professional Services Contract to Wiss & Company, LLP, as independent Township Auditor for Audit and Related Services (as defined hereinabove) pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide the following:

to provide the audit of the 2009 financial statements of the Township consistent with the conditions set forth in the Request for Proposals and description of the Scope of Services found in the Proposal from the Business Entity for compensation at a fee not to exceed Forty-Five Thousand Dollars (\$45,000.00). Such additional services shall be pre-approved by the Mayor and Township Council before same are undertaken by the Township Auditor.

3. The Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. A copy of the Notice of this Resolution shall be published as required by law within ten (10) days of its passage; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Wiss & Company, LLP
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-14 (Reappointment Deputy Municipal Clerk - Deborah Usalowicz) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-14

RESOLUTION REAPPOINTING DEBORAH USALOWICZ
AS DEPUTY MUNICIPAL CLERK

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, pursuant to N.J.S.A. 40A:9-135 et seq. and Township Ordinances Section 4-24, that it does hereby appoint Deborah Usalowicz as Deputy Municipal Clerk of the Township of Marlboro for a five-year term commencing on January 1, 2010.

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

- a. Deborah Usalowicz
- b. Township Administrator
- c. Township Attorney

The following Resolution #2010-15 (Appointment of Class III Member to Planning Board - Frank LaRocca) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-15

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 220-9 of the Code of the Township of Marlboro, FRANK LAROCCA be and is hereby appointed to the Planning Board, as a Class III member.

The following Resolution #2010-16 (Appointments Zoning Board of Adjustment - Frank Yozzo - four-year term, Ira Levin - four-year term, Alan Zwerin - four-year term and Marc Ellenberg - two-year term - Alt. #2) was introduced by reference, offered by Councilman

Metzger, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-16

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, Section 4-90 of the Code of the Township of Marlboro created the Marlboro Township Zoning Board of Adjustment pursuant to the authority granted by N.J.S.A. 40:55D-69; and

WHEREAS, Section 220-8 of the Code of the Township of Marlboro provides that the Township Council shall appoint members of the Zoning Board of Adjustment; and

WHEREAS, the Township Council wishes to appoint FRANK YOZZO 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 IRA LEVIN 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 ALAN ZWERIN 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 MARC ELLENBERG to serve as a member of the Zoning Board of Adjustment, for a two-year term as Alternate # 2.

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

That it hereby appoints FRANK YOZZO, IRA LEVIN, ALAN ZWERIN and MARC ELLENBERG 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 #2010-17 (Appointment to WMUA - Jeffrey Rosen - 5 year term - commencing Feb. 1, 2010) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-17

RESOLUTION REAPPOINTING JEFFREY ROSEN AS A MEMBER OF
THE WESTERN MONMOUTH UTILITIES AUTHORITY FOR A
TERM OF FIVE YEARS EXPIRING JANUARY 31, 2015

WHEREAS, Sections 60-5 through 60-13 of the "Code of the Township of Marlboro" establish the Western Monmouth Utilities Authority, which was created pursuant to N.J.S.A. 40:14B-1, et seq.; and

WHEREAS, the Township Council of the Township of Marlboro desires to reappoint JEFFREY ROSEN for a term of five (5) years, commencing February 1, 2010 and ending January 31, 2015 to the Western Monmouth Utilities Authority; and

WHEREAS, N.J.S.A. 40:14B-5 provides that the members of joint authorities composed of two or more municipalities shall be appointed by the governing bodies of the participating municipalities; and

WHEREAS, Section 60-7 of the Township Code further provides for the appointment of members of the Western Monmouth Utilities Authority from Marlboro Township by a majority vote of the Township Council of the Township of Marlboro; and

WHEREAS, Section 60-8 of the Code of the Township of Marlboro provides that compensation for such services shall be paid to members of the Authority in an amount not to exceed \$4,000.00 per year; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that JEFFREY ROSEN be and hereby is appointed as a member of the Western Monmouth Utilities Authority for a term of five years commencing February 1, 2010 and ending on January 31, 2015, with compensation for said services to be determined by a resolution of the Western Monmouth Utilities Authority in an amount not to exceed \$4,000.00 per year pursuant to Section 60-8 of the Code of the Township of Marlboro.

The following Resolution #2010-18 (Advising and Consenting to Appointment of Municipal Judge - James Newman - three year term) was introduced by reference, offered by Council President LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-18

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of JAMES NEWMAN, as the Municipal Court Judge for the Township of Marlboro for a three year term beginning January 1, 2010 expiring December 31, 2012 or until his successor shall be qualified and appointed.

The following Resolution #2010-19 (Advising and Consenting to Appointment of Municipal Prosecutor - one year term - Allen Falk & Alternate) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-019

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT
OF ALLEN FALK, ESQ., AS MUNICIPAL PROSECUTOR OF THE
TOWNSHIP OF MARLBORO AND APPOINTING AN
ALTERNATE/CONFLICT MUNICIPAL PROSECUTOR

WHEREAS, Section 4-62 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 requires the appointment of at least one municipal prosecutor as necessary to administer justice in a timely and effective manner in its municipal court; and

WHEREAS, Mayor Jonathan Hornik wishes to reappoint ALLEN FALK, ESQ., as the Municipal Prosecutor of the Township of Marlboro, subject to the advice and consent of the Township Council; and

WHEREAS, Mayor Jonathan Hornik wishes to appoint _____, Esq., as the alternate and/or conflict Municipal Prosecutor in the event that the Municipal Prosecutor is unable to serve as prosecutor of a particular matter that comes before him; and

WHEREAS, the Township Council of the Township of Marlboro concurs with the Mayor's appointment of Allen Falk, Esq., as Municipal Prosecutor for the Township of Marlboro and _____, Esq., as alternate/conflict Municipal Prosecutor.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of ALLEN FALK, 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; and

BE IT FURTHER RESOLVED, that the Township Council hereby advises and consents to the appointment of _____, Esq., as alternate/conflict Municipal Prosecutor to serve in the event that the Municipal Prosecutor is unable to serve as prosecutor of a particular matter that comes before him; and

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

The following Resolution #2010-20 (Advising and Consenting to Appointment of Public Defender - one year term - Michael DuPont, of McKenna, DuPont, Higgins & Stone & Alternate) was introduced by reference, offered by Councilman Metzger, seconded by Council President LaRocca and seconded on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-20

RESOLUTION ADVISING AND CONSENTING TO THE APPOINTMENT OF
MICHAEL DUPONT, ESQ., AS PUBLIC DEFENDER OF THE
TOWNSHIP OF MARLBORO AND APPOINTMENT OF _____, ESQ.,
AS ALTERNATE AND/OR CONFLICT PUBLIC DEFENDER

WHEREAS, Section 4-63 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, N.J.S.A. 2B:24-3 requires the Township to appoint at least one public defender to represent indigent municipal defendants entitled to representation; and

WHEREAS, Mayor Jonathan Hornik wishes to appoint Michael DuPont of McKenna, DuPont, Higgins & Stone as the Public Defender of the Township of Marlboro, subject to receiving the advice and consent of the Township Council; and

WHEREAS, Mayor Jonathan Hornik wishes to appoint _____, Esq., as the alternate and/or conflict Public Defender in the event that the Public Defender is unable to serve as public defender for a particular matter that is assigned to him; and

WHEREAS, the Township Council of the Township of Marlboro desires to give its advice and consent to the Mayor's appointment of Michael DuPont of McKenna, DuPont, Higgins & Stone as the Public Defender for the Township of Marlboro and to the appointment of _____, Esq., as alternate and/or conflict Public Defender.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of Michael DuPont as the Public Defender 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 the Township Council hereby advises and consents to the appointment of _____, Esq., as alternate/conflict Public Defender to serve in the event that the Public Defender is unable to serve as public defender for a particular matter that is assigned to him; and

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

- a. Michael DuPont, Esq.
- b. _____, Esq.
- c. Township Administrator
- d. Township Chief Financial Officer

The following Resolution #2010-21 (Confirming Appointment Agricultural Advisory Committee Members - Thomas Chenal - two-year term, Heidi Rajan - two-year term - Chairperson Heidi Rajan - one-year term) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and seconded on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-21

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

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

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

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

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

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

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

The following Resolution #2010-22 (Appointments to Nanto Committee - Cindy Sarna - three-year term, Cynthia Sikora - three-year term, Stephanie Ackerman - three-year term, Dawn Klein - three-year term, Hadara Biala - unexpired term of Monica Agor 12/31/2011 and Chairperson - one-year term - Paula Truppo) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-22

A RESOLUTION APPOINTING MEMBERS OF THE
YOUTH EXCHANGE ADVISORY COMMITTEE AND DESIGNATING
A CHAIRPERSON OF SAID COMMITTEE

WHEREAS, pursuant to Section 4-100 of the Code of the Township of Marlboro, the Township Council established the Youth Exchange Advisory Committee as a special committee of the Township Council to oversee the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and the Town of Johana (renamed Nanto City), Toyama Prefecture, Japan; and

WHEREAS, pursuant to Section 4-100(C)(1) of the Code, the Youth Exchange Advisory Committee shall consist of twelve (12) members appointed by the Township Council; and

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

WHEREAS, the terms of four (4) of the members of the Youth Exchange Advisory Committee and the term of the Chairperson have expired, and one member has resigned; and

WHEREAS, the Township Council now desires to fill those vacancies and appoint a new Chairperson to the Youth Exchange Advisory Committee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that CINDY SARNA, CYNTHIA SIKORA, STEPHANIE ACKERMAN and DAWN KLEIN are hereby appointed to the Youth Exchange Advisory Committee for terms of three (3) years and until the appointment and qualification of his or her successor; and

BE IT FURTHER RESOLVED that HADARA BIALA is hereby appointed to fill the unexpired term of Monica Agor which shall expire on December 31, 2011; and

BE IT FURTHER RESOLVED, that the Township Council designates PAULA TRUPPO as Chairperson of the Youth Exchange Advisory Committee for a term of one (1) year.

The following Resolution #2010-23 (Designating Community Development Representative and Alternate - Alayne Shepler and Robert DiMarco) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-23

APPOINTING TOWNSHIP OF MARLBORO COMMUNITY DEVELOPMENT
REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE
COUNTY OF MONMOUTH COMMUNITY DEVELOPMENT OFFICE

WHEREAS, the County of Monmouth requires that the Township of Marlboro appoint a Community Development Representative and an Alternate Community Development Representative to act as liaison between County's Community Development staff and the Township of Marlboro; and

WHEREAS, the Mayor & Township Council desire to appoint Alayne Shepler as the Community Development Representative and Robert DiMarco as the Alternate Community Development Representative for the year 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro that Alayne Shepler is hereby appointed as Community Development Representative to the County of Monmouth Community Development Office and Robert DiMarco be and is hereby appointed as Alternate Community Development Representative.

The following Resolution #2010-24 (Designating Coordinator of Compliance with ADA 2010 and Deputy - Alayne Shepler and Robert DiMarco) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council President LaRocca and seconded on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-24

RESOLUTION DESIGNATING ALAYNE SHEPLER AS COORDINATOR OF
COMPLIANCE EFFORTS IN CONNECTION WITH THE AMERICANS
WITH DISABILITIES ACT AND ROBERT DIMARCO AS DEPUTY
OR ALTERNATE COORDINATOR FOR 2010

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

WHEREAS, the Township wishes to designate Alayne Shepler as the Coordinator of ADA Compliance; and

WHEREAS, the Township also wishes to designate an alternate or Deputy ADA Coordinator to work in conjunction with, or in the absence of, the Coordinator to ensure that the important work of compliance continues and is maintained.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that:

1. Alayne Shepler be and is hereby designated as Coordinator of compliance efforts in connection with the Americans with Disabilities Act; and

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

The following Resolution #2010-25 (Order of Business of Council Meetings) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and seconded on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-25

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 2010:

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 #2010-26 (Meeting Dates - 2010) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and seconded on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-26

BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby adopts the following dates for its regularly scheduled meetings in 2010. Notice of these dates shall be mailed to the Asbury Park Press and the Star Ledger in accordance with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-18. Notice of any other meetings of the Township Council shall be provided in accordance with the Open Public Meetings Act. All meetings shall be held at 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 or regular meeting without any further notice.

WORKSHOP:

REGULAR:

January 21, 2010

February 4, 2010

February 18, 2010

March 4, 2010

March 18, 2010

April 15, 2010 (Workshop & Regular)

May 6, 2010

May 20, 2010

June 3, 2010

June 17, 2010

July 15, 2010
(Workshop & Regular)

August 12, 2010
(Workshop & Regular)

September 16, 2010
(Workshop & Regular)
October 7, 2010

October 21, 2010

November 4, 2010 (Workshop & Regular)

December 9, 2010

(Mon.) December 20, 2010

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Metzger, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor:

- Res. #2010- 27 - Authorization to Bid: 2010 Municipal Purchasing
- Res. #2010- 28 - Official Newspapers
- Res. #2010- 29 - Duplicate Bills
- Res. #2010- 30 - Appointing Tax Search Officer - Kelly Hahn
- Res. #2010- 31 - Rate of Interest - Delinquent Taxes
- Res. #2010- 32 - Authorizing Return Check Fee for Tax Collector
- Res. #2010- 33 - Cancelling Balances under \$5
- Res. #2010- 34 - Continuation of Bonds - Officers and Employees
- Res. #2010- 35 - Designating Municipal Clerk/Certificates of Searches
- Res. #2010- 36 - Temporary Budget Current (26.25%) and Swim Utility
- Res. #2010- 37 - Cash Management Plan
- Res. #2010- 38 - Continuation of Petty Cash Funds
- Res. #2010- 39 - Authorizing Bus. Administrator to Execute Contracts
Up to \$17,500

RESOLUTION # 2010-27

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

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 2010:

ASBURY PARK PRESS
NEWARK STAR LEDGER

RESOLUTION # 2010-29

BE IT RESOLVED by the Township Council of the Township of Marlboro that the cost charged by the Tax Collector for Duplicate Bills for 2010 be as follows:

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

RESOLUTION # 2010-30

WHEREAS, N.J.S.A. 54:5-11 provides that the governing body of each municipality shall from time to time by resolution designate an official in the municipality to make examinations of its records as to unpaid municipal liens and to certify the results thereof.

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

RESOLUTION # 2010-31

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments and also permits the fixing of said rate at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum of any amount in excess of \$1,500.00 and allows an additional penalty of a flat 6% to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes or other municipal charges becoming delinquent after due date and 18% per annum on any amount of taxes or other municipal charges in excess of \$1,500.00 becoming delinquent after due date, and if a delinquency (including interest) is in excess of \$10,000.00 and remains in arrears after December 31,

an additional flat penalty of 6% shall be charged against the delinquency.

BE IT FURTHER RESOLVED that this resolution shall be effective as of January 1, 2010.

RESOLUTION # 2010-32

WHEREAS, N.J.S.A. 40:5-18 authorizes a municipality to impose a service charge of \$20.00 to be added to any account owing to the municipality if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds; and

WHEREAS, whenever an account owing to a municipality is for tax or special assessment, the service charge authorized by N.J.S.A. 40:5-18 shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien; and

WHEREAS, the Township is required to determine the service charge for a check or other written instrument returned for insufficient funds from time to time, as appropriate; and

WHEREAS, any service charge shall be collected in the same manner as prescribed by law for the collection of the account for which the check or other written instrument was tendered and the governing body may require that future payments be tendered in cash or by certified or cashier's check.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that, Kelly A. Hahn, Tax Collector, be and hereby is authorized to impose a service charge of \$20.00 per check or other written instrument returned for insufficient funds; and

BE IT FURTHER RESOLVED that the Tax Collector is authorized to require that once a check or other instrument is returned for insufficient funds, that all future payments to be tendered in cash or by certified or cashier's check.

RESOLUTION # 2010-33

WHEREAS, the Tax Collector of the Township of Marlboro has requested that the Township Council of the Township of Marlboro adopt a resolution annually authorizing the Tax Collector to cancel all underpayment and overpayment of taxes of \$5.00 or less.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Marlboro that the Tax Collector is hereby authorized to cancel all underpayment and overpayments of \$ 5.00 or less for the year 2009 & 2010.

RESOLUTION # 2010-34

BE IT RESOLVED by the Township Council of the Township of Marlboro that the bonds presently in effect for the officers and employees of the Township of Marlboro, which are required by Township Code Section 4-104, be continued for the year 2010.

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

RESOLUTION # 2010-35

WHEREAS, N.J.S.A. 54:5-18.3 requires that the governing body of a municipality designate by resolution either the Municipal Clerk or the Municipal Engineer as the person to make official "Certificates as to Liability for Assessment for Municipal Improvements";

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that, Alida Manco, the Municipal Clerk be and is hereby designated as the person to make Certificates as to Liability for Assessment for Municipal Improvements.

RESOLUTION # 2010-36

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2010

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 2009 is six million eight hundred eighty seven thousand one hundred and fourteen dollars and two cents (\$6,887,114.02), and swim utility budget two hundred seventy four thousand nine hundred forty dollars and sixty-three cents (\$274,940.63).

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 2010 according to the schedule attached hereto and a made a part hereof, and

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

Current Fund

Administration (30)		
Salary & Wages	160,000.00	71,250.00
Other Expenses	170,585.00	11,396.25
Office of the Mayor (10)		
Salary & Wages	60,500.00	15,125.00
Other Expenses	5,300.00	1,325.00
Ethics Commission		
Salary & Wages		
Other Expenses	500.00	125.00
Township Council (21)		
Salary & Wages	14,400.00	3,600.00
Other Expenses	2,000.00	500.00
Municipal Clerk (20)		
Salary & Wages	185,000.00	46,250.00
Other Expenses	61,000.00	15,250.00
Finance		
Salary & Wages	255,000.00	63,750.00
Other Expenses	23,000.00	5,750.00
Annual Audit	35,000.00	0.00
Central Computer Services		
Salary & Wages	84,000.00	21,000.00
Other Expenses	22,800.00	5,700.00

Tax Collector		
Salary & Wages	210,000.00	52,500.00
Other Expenses	56,650.00	14,162.50
Tax Assessor		
Salary & Wages	180,000.00	45,000.00
Other Expenses	88,800.00	22,200.00
Legal Services		
Other Expenses	400,000.00	100,000.00
Engineering Services		
Salary & Wages	255,000.00	63,750.00
Other Expenses	141,300.00	35,325.00
Economic Development		
Salary & Wages	2,000.00	500.00
Other Expenses	10,000.00	2,500.00
Grant Administration		
Salary & Wages		
Other Expenses	19,000.00	4,750.00
Cable Studio		
Salary & Wages		
Other Expenses	45,000.00	11,250.00
Inter- Governmental Relations		
Other Expenses	1,000.00	250.00
Homeland Security		
Salary & Wages	30,000.00	7,500.00
Other Expenses	28,500.00	7,125.00
Historic Sites Commission		
Other Expenses	1,000.00	250.00
Planning Board		
Salary & Wages	64,000.00	16,000.00
Other Expenses	34,800.00	8,700.00
Planning Board Contractual		
Other Expenses	31,400.00	7,850.00
Zoning Board		
Salary & Wages	158,000.00	39,500.00
Other Expenses	55,150.00	13,787.50
Liability Insurance	450,000.00	350,000.00

Workers Comp	600,000.00	150,000.00
Group Insurance	2,215,000.00	553,750.00
Unemployment Insurance	25,000.00	0.00
Police		
Salary & Wages	8,380,000.00	2,095,000.00
Other Expenses	363,000.00	90,750.00
Crime Prevention		
Other Expenses	23,405.00	5,851.25
School Educational Programs		
Other Expenses	13,900.00	3,475.00
Highway Safety		
Other Expenses	21,900.00	5,475.00
Emergency Management		
Salary & Wages	23,000.00	5,750.00
Other Expenses	16,850.00	4,212.50
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	133,500.00	33,375.00
Other Expenses	13,340.00	3,335.00
Municipal Prosecutors Office		
Salary & Wages	32,500.00	8,125.00
Streets and Road Maint		
Salary & Wages	1,555,000.00	388,750.00
Other Expenses	45,715.00	11,428.75
Snow Removal		
Salary & Wages	50,000.00	50,000.00
Other Expenses	372,290.00	300,000.00
Public Works - Other		
Salary & Wages	350,000.00	87,500.00
Other Expenses	66,020.00	16,505.00
Shade Tree Commission		
Salary & Wages		
Other Expenses	2,000.00	500.00

Solid Waste Collection		
Salary & Wages	20,600.00	5,150.00
Other Expenses	704,124.00	176,031.00
Buildings & Grounds		
Salary & Wages	442,000.00	110,500.00
Other Expenses	232,140.00	58,035.00
Vehicle Maintenance		
Salary & Wages	415,000.00	103,750.00
Other Expenses	129,800.00	32,450.00
Community Services Act		
Other Expenses	94,700.00	0.00
Open space Committee		
Other Expenses	2,500.00	625.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	1,625.00
Other Expenses	1,670.00	417.50
Drug Abuse Control		
Salary & Wages	10,000.00	2,500.00
Other Expenses	7,550.00	1,887.50
Environmental Health Services		
Salary & Wages	2,000.00	500.00
Other Expenses	5,000.00	1,250.00
Animal Control Services		
Other Expenses	55,000.00	13,750.00
Recreation		
Salary & Wages	410,000.00	102,500.00
Other Expenses	126,940.00	31,735.00
Park Maintenance		
Salary & Wages	515,000.00	128,750.00
Other Expenses	44,605.00	11,151.25
Municipal Library		
Other Expenses	16,200.00	4,050.00
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	15,000.00
Electricity	412,000.00	103,000.00
Street Lighting	674,000.00	168,500.00
Telephone	150,000.00	37,500.00
Water	24,000.00	6,000.00
Natural Gas	95,000.00	23,750.00
Sewer	10,400.00	2,600.00
Gasoline	336,500.00	84,125.00
Landfill Disposal Costs	222,200.00	55,550.00
PERS	345,000.00	0.00
FICA	1,000,000.00	250,000.00
Contingent	10,000.00	0.00
Municipal Court		
Salary & Wages	308,000.00	77,000.00
Other Expenses	125,140.00	31,285.00
Public Defender		
Salary & Wages	16,000.00	4,000.00
Other Expenses		
Affordable Housing		
Salary & Wages	4,000.00	1,000.00
Other Expenses	4,300.00	1,075.00
Police Dispatch 911		
Salary & Wages	660,000.00	165,000.00
Other Expenses	248,000.00	62,000.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	916,058.50	0.00
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	0.00
DDEF	0.00	4,629.47
Body Armor Grant	6,970.90	0.00
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
Bond Principal	1,855,000.00	0.00
Bond Anticipation Notes	41,175.00	41,175.00
Bond Interest	567,500.00	0.00
Note Interest	183,610.00	0.00
Green Acres Trust - P & I	28,865.00	14,432.25
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	6,887,114.02
Swim Utility		
Salary & Wages	435,000.00	108,750.00
Other Expenses	604,762.50	151,190.63

Capital Outlay	60,000.00	15,000.00
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	274,940.63

RESOLUTION # 2010-37

RESOLUTION ESTABLISHING A CASH MANAGEMENT PLAN
AND NAMING OFFICIAL DEPOSITORIES
FOR THE TOWNSHIP OF MARLBORO FOR 2010

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 2010.

CASH MANAGEMENT PLAN OF THE
TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH
CALENDAR YEAR 2010

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) Sewer Utility
 - a. Operating
 - b. Capital

- 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)
Capital One
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
Ocean First Bank
Peapack-Gladstone Bank
PNC Bank
Provident Savings
SI Bank & Trust
Sovereign Bank
Sun National Bank
TD North
Trust Company of New Jersey
United National Bank
Unity Bank
US 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
Ocean First 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

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, 2010 to December 31, 2010. 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.

RESOLUTION # 2010-38

RESOLUTION AUTHORIZING PETTY CASH FUND FOR CALENDAR YEAR 2010

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>2009 LEVEL</u>	<u>2010 REQUEST</u>
FINANCE	\$ 200.00	\$ 200.00
RECREATION	\$ 1,500.00	\$ 1,500.00

2. That certified copies of this resolution be provided to the Director of the Local Government Services, Business Administrator, Chief Financial Officer, Auditor and any other interested parties.

RESOLUTION # 2010-39

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 the Business Administrator, is hereby authorized to execute and approve any and all contracts up to \$17,500; and

BE IT FURTHER RESOLVED that the Business Administrator, when awarding such contracts, is obligated to adhere to all applicable provisions of the Local Public Contracts Law, including N.J.S.A. 40A:11-6.1 requiring that, if practicable, at least two competitive quotations must be solicited for all contracts that are less than the bid threshold, but 15% or more of that amount; and

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

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

- a. Business Administrator
- b. Township Chief Financial Officer
- c. Jonathan Williams, Esq.

The following Resolution #2010-40 (Appointment of Council Liaisons) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-40

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Liaisons, to serve at the discretion of the Township Council:

Open Space Committee	- Randi Marder
Recreation Commission	- Frank LaRocca
W.M.U.A.	- Joseph Pernice
Senior Advisory Committee	- Randi Marder
Marlboro Board of Education	- Scott Metzger
Freehold Regional Board of Education	- Bonnie Sue Rosenwald
Environmental Commission	- Carol Mazzola
Swim Committee	- Tracy Baity-Goff
Youth Exchange Advisory/	

Nanto Committee	- Ellen Siet
Economic Development	- Scott Metzger/ Carol Mazzola
Veterans & Volunteers Com.	- Jeff Cantor
Teen Advisory	- Rachel Bleier
Historical Commission	- Patrick Pentland
Marlboro Drug Alliance	- Randi Marder
Affordable Housing	- Carol Mazzola
Shade Tree	- Scott Metzger

The following Resolution #2010-41 (Extension of Contract - HVAC - Airhandlers) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-41

A RESOLUTION AWARDING A ONE YEAR EXTENSION TO THE
CONTRACT WITH AIRHANDLERS MECHANICAL SERVICES, INC.,
TO MAINTAIN AND SERVICE THE HEATING, VENTILATING AND AIR
CONDITIONING (HVAC) SYSTEMS FOR VARIOUS TOWNSHIP BUILDINGS

WHEREAS, the Township of Marlboro awarded a contract to Airhandlers Mechanical Services, Inc., ("Airhandlers") in accordance with Resolution #2009-053, after advertising and receiving bids to maintain and service the heating, ventilating and air conditioning (HVAC) systems for various Township buildings on December 23, 2008; and

WHEREAS, Section 8(f) of the bid specifications which were made a part of the contract awarded to Airhandlers specified that the Township reserved the right to renew the contract for an additional one year period upon the same terms and conditions as specified in the bid proposal; and

WHEREAS, the Township Administration has recommended that the contract awarded to Airhandlers be renewed for a one year period for a total contract amount of \$34,498.00 on the same terms and conditions as specified in the bid proposal; and

WHEREAS, funds are available for this purpose in the 2010 municipal budget.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract with Airhandlers Mechanical Services, Inc., of Haddon Heights,

New Jersey to maintain and service the heating, ventilating and air conditioning (HVAC) systems for various Township buildings for a total contract amount not to exceed \$34,498.00 is hereby renewed for a one year period; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Airhandlers Mechanical Services, Inc. of Haddon Heights, New Jersey to maintain and service the heating, ventilating and air conditioning (HVAC) systems for various Township buildings for a total contract amount not to exceed \$34,498.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for aforesaid contract in the amount of \$34,498.00 from the following Account in the 2010 municipal budget: 10-01-122-276; and

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

- a. Airhandlers Mechanical Services, Inc.
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Director of Public Works
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution #2010-42 (Purchase De-icing Material - Mon. County Cooperative Purchasing) was introduced by reference, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-42

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF
DE-ICING MATERIAL (SODIUM CHLORIDE) THROUGH BIDS OBTAINED
BY THE MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Marlboro Township Public Works Department has recommended that the Township purchase de-icing material (sodium chloride) for use by the Township through the use of bids obtained by the Monmouth County Cooperative Purchasing Program; and

WHEREAS, the Township is authorized to purchase de-icing material (sodium chloride) from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing

Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to International Salt Company of Clarks Summit, PA, for the provision of de-icing material (sodium chloride) at a price of \$54.60 per ton; and

WHEREAS, the Public Works Department has indicated that International Salt Company has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase de-icing material (sodium chloride); and

WHEREAS, the Chief Financial Officer has certified that funds will be made available for this purpose in the 2010 Municipal Budget, allocated from Account Number 10-01-119-275; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of 3,000 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$54.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$163,800.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 3,000 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$54.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$163,800.00; and

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

- a. International Salt Company, Clarks Summit, PA
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-43 (Advising and Consent to Appointments to Library Board - Gail Gnesin - five-year term ending 8/10/2014 and Francine Robbie - unexpired term ending 8/10/2013) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-43

RESOLUTION APPOINTING MEMBERS OF THE BOARD OF TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-93 of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to appoint Francine Robbie to the Board of Trustees of the Marlboro Free Public Library, to fill an unexpired term ending on August 10, 2013; and

WHEREAS, the Mayor, subject to the advice and consent of the Township Council desires to reappoint Gail Gnesin to a new term on the Board of Trustees of the Marlboro Free Public Library, which shall expire on August 10, 2014; and

WHEREAS, the Township Council of the Township of Marlboro desires to give its advice and consent to the appointment of Francine Robbie and the reappointment of Gail Gnesin.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of Francine Robbie as a member of the Board of Trustees of the Marlboro Free Public Library without compensation to fill an unexpired term ending on August 10, 2013 is hereby confirmed; and

BE AND IT IS FURTHER RESOLVED, that the Township Council does hereby give its advice and consent to the reappointment of Gail Gnesin to a new term on the Board of Trustees of the Marlboro Free Public Library which shall expire on August 10, 2014.

At 9:45PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: February 18, 2010

OFFERED BY: Mazzola AYES: 4

SECONDED BY: Marder NAYS: 0

ABSENT: Cantor

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LARocca,
COUNCIL PRESIDENT