

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP SPECIAL COUNCIL MEETING

February 28, 2011

The Marlboro Township Council held its special meeting on February 28, 2011 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this special meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on February 23, 2011; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and on Channel 77. The purpose of the special meeting to introduce the budget and items related thereto.

The Clerk called the Roll.

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

Also present were: Mayor Jonathan L. Hornik, Louis Rainone, Esq., Business Administrator Jonathan Capp and Municipal Clerk Alida Manco.

The following Resolution #2011-108/Ordinance #2011-5 (Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Cantor. Discussion followed, during which Business Administrator Jonathan Capp answered Council's questions. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor, with Councilwoman Mazzola abstaining.

RESOLUTION # 2011-108

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

ORDINANCE # 2011-005

CALENDAR YEAR 2011

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

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

BE IT FURTHER RESOLVED that the same be considered for final passage on March 24, 2011 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2011-5

CALENDAR YEAR 2011

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

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to the CPI (0.0% in 2011) unless authorized by ordinance to provide for an increase of 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable to allow for a CY 2011 appropriation limit of 3.5% over the previous year's final appropriations, in the

interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council of the Township of Marlboro hereby determines that an increase of up to 3.5% in the appropriations for said year, in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is not necessary for actual spending but rather for the purpose of establishing a "CAP Bank" for 2011; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final 2011 Municipal budget shall be retained as a "CAP bank" to be used in either of the next two succeeding years' municipal budgets.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the CAP on the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by an amount not to exceed 3.5%, and that the CY 2011 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

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

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

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

The following Resolution #2011-109/Ordinance #2011-6 (Calendar Year 2011 - Establish a Levy Cap Bank) was introduced by reference, offered by Councilman Metzger

and seconded by Council LaRocca. Discussion followed, during which Business Administrator Jonathan Capp answered Council's questions. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 1 in favor, with Councilwoman Mazzola voting no.

RESOLUTION # 2011-109

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

ORDINANCE # 2011-006

CALENDAR YEAR 2011

ORDINANCE TO ESTABLISH A LEVY CAP BANK
(N.J.S.A. 40A: 4-45.45)

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

BE IT FURTHER RESOLVED that the same be considered for final passage on March 24, 2011 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2011-6

CALENDAR YEAR 2011

ORDINANCE TO ESTABLISH A LEVY CAP BANK
(N.J.S.A. 40A: 4-45.45)

WHEREAS, legislation was recently enacted which modified the Local Government Levy Cap Law to allow municipalities to establish a levy cap bank in order to provide flexibility, if needed, in the preparation of the next three years of municipal budgeting, and,

WHEREAS, N.J.S.A. 40A: 4-45.45 provides that a municipality may, when authorized by ordinance, exceed the levy cap calculation established at 2% percentage rate in either of the next three succeeding years provided a levy cap bank has been established; and,

WHEREAS, the Township of Marlboro in the County of Monmouth finds it advisable to establish a Levy Cap Bank to provide flexibility if needed in the preparation of future budgets; and,

WHEREAS, the Township of Marlboro hereby determines that any amount authorized hereinabove that is not included in the maximum levy established as part of the 2011 final budget shall be retained as an exception to the levy cap calculation to be used, if needed, in any of the next three succeeding years budget preparation.

NOW THEREFORE BE IT ORDAINED, by the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, a levy cap bank be established in the amount of \$857,872 for use in any of the next three budget years if needed, and that the CY 2011 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

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

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

The following Resolution #2011-111 (Participation in Self-Examination Process - Municipal Budget) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-111

SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Marlboro* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2011 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth

- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

The following Resolution #2011-110 (Introduction of 2011 Municipal Budget) was introduced by reference, offered by Councilman Metzger and seconded by Council President Marder. Mayor Hornik gave an overview of the budget, followed by a power point presentation from Business Administrator Jonathan Capp. Council asked all pertinent questions, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-110

BE IT RESOLVED that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2011, as introduced by the Municipal Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 7, 2011 at the Township of Marlboro Municipal Complex.

At 7:40 PM, Councilman LaRocca moved that the meeting be adjourned. This was seconded by Council President Marder and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 24, 2011

OFFERED BY: Metzger AYES: 3

SECONDED BY: La Rocca NAYS: 1 (Mazzola)

ABSENT: Cantor

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT