

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 8, 2011

The Marlboro Township Council held its regularly scheduled meeting on September 8, 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 the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed and e-mailed to the Asbury Park Press, the Star Ledger and News Transcript on January 10, 2011; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

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

Councilman Metzger moved that the minutes of August 11, 2011 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor with Council Vice President Cantor abstaining.

Council President Marder opened the Public Hearing on the application to the Monmouth County Open Space Grants Program for the ballfield at the Geoghegan/Tennent Road parcel. After the Public Hearing was held and closed, the following Resolution #2011-319 (Authorizing Grant Application to County Open Space Grant Program - Ballfield at Geoghegan/Tennent Road parcel) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Cantor, and passed on a roll call vote of 4 - 1 in favor, with Councilwoman Mazzola voting no.

RESOLUTION # 2011-319

A RESOLUTION AUTHORIZING APPLICATION TO THE
COUNTY OF MONMOUTH FOR OPEN SPACE TRUST FUNDS

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Township of Marlboro desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the development of a ballpark on the "Geoghegan Property", 82 Tennent Road, Block 120, Lot 36; and

WHEREAS, the total cost of the project including all matching funds is \$503,000.00; and

WHEREAS, the Township of Marlboro is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF MARLBORO THAT:

1. The Mayor is hereby authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Marlboro is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Mayor Jonathan Hornik is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

The following Resolution #2011-320 (Acceptance of 2010 Audit) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-320

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Resolution #2011-321 (Corrective Action Plan) 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 # 2011-321

RESOLUTION APPROVING AND ACCEPTING
CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2010 Annual Audit of the Township of Marlboro, conducted by Wiss & Company, LLP, contained certain recommendations requiring action, and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer, and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that the Corrective Action Plan for the SFY 2010 Annual Municipal Audit, hereto attached, is approved and accepted, and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

The following Resolution #2011-322 (Authorizing Amendment to Cash Management Plan and Banking Services Agreement) was introduced by reference, offered by Councilman Metzger, seconded by Council President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-322

AMENDING CASH MANAGEMENT PLAN OF THE TOWNSHIP OF MARLBORO AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ENTER INTO AGREEMENT WITH APPROVED DEPOSITORY (INVESTORS SAVINGS BANK)

WHEREAS, in accordance with N.J.S.A. 40A:5-14, the Township Council of the Township of Marlboro approved the 2011 Cash Management Plan on January 6, 2011; and

WHEREAS, Wachovia Bank, N.A., N.J., now Wells Fargo Bank, is the Township custodial bank, and

WHEREAS, the Township of Marlboro has been notified by Wells Fargo Bank that effective immediately it intends to levy hard charges for municipal banking services, and

WHEREAS, the Township Chief Financial Officer has endeavored to negotiate a more favorable banking arrangement for custodial banking with another banking institution, and

WHEREAS, the Township Chief Financial Officer has negotiated a two year agreement with Investors Savings Bank with the following key terms:

- no fees (transaction or banking stock)
- assumption of Township payroll processing costs
- armored car service for Township deposits
- interest on deposits of dollar one at a minimum of twenty five (25) basis points with a ceiling of two percent (2.0%), and

WHEREAS, it is the recommendation of the Chief Financial Officer of the Township of Marlboro that the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey amend the Cash Management

Plan to include Wells Fargo Bank (formerly Wachovia Bank, N.A., N.J.), and provide authorization for the Chief Financial Officer to enter into a 2 year agreement for custodial banking services between the Township of Marlboro and Investors Savings Bank effective October 1, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey hereby authorizes the amendment of the Cash Management Plan to include Wells Fargo Bank (formerly Wachovia Bank, N.A., N.J.).

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey hereby authorizes the Chief Financial Officer to enter into a 2 year agreement for custodial banking services between the Township of Marlboro and Investors Savings Bank with an effective date of October 1, 2011.

The following Resolution #2011-323 (Bond Release Hindu Temple Addition) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-323

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE PROPERTY KNOWN AS HINDU AMERICAN TEMPLE, 31 WOOLEYTOWN ROAD, BLOCK 147, LOT 13, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance Guarantees in the form of a performance bond and cash deposit for site improvements ("Public Improvements") on the property known as HINDU AMERICAN TEMPLE BUILDING ADDITION, 31 WOOLEYTOWN ROAD, Block 147, Lot 13, Marlboro, New Jersey, (the "Site") posted by Hindu American Temple and Cultural Center, (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 8, 2011 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees, in the form of a performance bond, No. B 1024766 issued by The Selective Insurance Company in the original amount of \$36,759.31 and the present amount of \$36,759.31.00 and cash deposit in the original amount of \$5,500.00 and present amount of \$5,500.00 posted by the

Developer and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$5,283.00; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the current Performance Guarantees for the Site (as defined and described hereinabove), Performance Bond No. B 1024766 issued by The Selective Insurance Company in the original amount of \$36,759.31 and present amount of \$36,759.31, and cash deposit in the original amount of \$5,500.00 and present amount of \$5,500.00 posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$5,283.00; and

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

- a. Hindu American Temple and Cultural Center
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-324 (Soil Removal Cash Bond Release - Southpoint - B 268.01, Lots 42-43) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 1 with Council Vice President Cantor voting no.

RESOLUTION # 2011-324

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR THE PROPERTY KNOWN AS SOUTHPOINT PROPERTY MANAGEMENT, 176 ROUTE 9 NORTH, BLOCK 268.01, LOTS 42-43, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee in the form of a cash bond posted for soil removal

operations on the property known as SOUTHPOINT PROPERTY MANAGEMENT, 176 Route 9 North, Block 268.01, Lots 42-43, Marlboro, New Jersey, (the "Site") posted by MEITERMAN COMMERCIAL PROPERTIES, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 23, 2011 regarding the completion of the Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a cash bond, in the original and present amount of \$15,000.00 posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release ; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the current Performance Guarantee for the Site (as defined and described hereinabove), cash bond in the original and present amount of \$15,000.00 posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in its entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release; and

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

- a. Gloria Meiterman, Meiterman Commercial Properties
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-325 (Authorizing Grant Application NJDOT - Vanderburg Road) 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 # 2011-325

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Improvements to Vanderburg Road - Phase II project.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Marlboro Township-00178 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The following Resolution #2011-326 (Authorizing Grant Application NJDOT - Pedestrian Sidewalk Safety Improvement Project) was introduced by reference, offered by Councilman Metzger, seconded by Council President Marder, and passed on a roll call vote of 5 - 0 in favor.

Resolution # 2011-326

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Pedestrian Safety Sidewalk Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2012-Marlboro Township-00022 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant.

The following Resolution #2011-327 (Authorizing Auction of Surplus Property via GovDeals) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-327

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS MUNICIPAL PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE BY PUBLIC ON-LINE AUCTION

WHEREAS, pursuant to N.J.S.A. 40A:11-36, a municipality may, by resolution, authorize the sale of its personal property not needed for public use; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("DCA") has issued Local Finance Notice 2008-9 ("LFN-2008-9") which permits a municipality to sell its personal property not needed for public use on-line; and

WHEREAS, LFN-2008-9 sets forth procedural guidelines regarding the use of a on-line public auction for the sale of such municipal personal property not needed for public use; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro deem that it is in the best interests of the Township of Marlboro to sell the Township's personal property not needed for public use using the on-line auction process set forth in LFN-2008-9; and

WHEREAS, govdeals.com is one of the internet based vendors approved by the DCA to carry out on-line auctions of municipal property not needed for public use.

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

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated September 5, 2011 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A" shall be sold by auction on-line by govdeals.com; and

3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and
6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information on the internet based sale in the official newspaper of the Township of Marlboro as follows:
 - a. An announcement of the auction and that the item(s) shall be sold on-line;
 - b. the internet address for the sale being advertised;
 - c. the date and time of the auction and a general description of the surplus personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required is not required in the newspaper advertisement; and
 - d. a statement that bidders must pre-register with the approved internet based vendor and the internet address with registration information.

7. Pursuant to N.J.S.A. 40A:11-36, sales shall be held not less than seven (7) nor more than fourteen (14) days after the latest publication of the advertisement.

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

- a. govdeals.com
- b. Mayor Jonathan Hornik
- c. Business Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP
- f. Division of Local Government Services,
Department of Community Affairs

EXHIBIT "A"
DATED September 5, 2011

TOWNSHIP OF MARLBORO
NOTICE OF SALE OF SURPLUS MUNICIPAL PERSONAL PROPERTY

NOTICE IS HEREBY GIVEN that the Township of Marlboro will be conducting an internet auction of surplus equipment utilizing the GovDeals website beginning October 3, 2011 and ending on various dates stated on the GovDeals website for items slated for auction. All bidders and other participants of this auction must agree that they have read and fully understand the Online Sales - Terms and Conditions listed on the website and agree to be bound thereby.

Website Host: GovDeals at www.govdeals.com. Click advance search under the search box, select New Jersey from the drop down menu, then select Marlboro Township from the seller drop down menu.

Inspection: Call Danny Schick at 732-536-0200, ext. 1213, to schedule an appointment.

Registration is not required for viewing the website but is required for placing bids. Please see the website for instructions on registering.

Terms of Auction: All sales are final, sold "as is", "where is"; no warranties or guarantees, expressed or implied. The Township reserves the right to reject any bid or bidder and remove any item from auction.

Transactions: Payment must be made electronically through the GovDeals website. Acceptable forms of payment are: PayPal, Wire Transfer, Visa, Master Card, American Express and Discover. NO CASH, CHECKS OR MONEY ORDERS WILL BE ACCEPTED.

Removal: Within ten business days from the time an date of the Buyers Certificate, buyers must provide their own vehicles, equipment and manpower. A \$10.00 per day storage fee will assessed beginning the 11th day.

EXHIBIT "A" CONTINUED

ITEM	MAKE	MODEL	CONDITION	COLOR
2003 VEHICLE	DODGE	CARAVAN	JUNK TITLE	
1993 VEHICLE	JEEP	GRAND CHEROKEE	JUNK TITLE	
1999 VEHICLE	FORD	WINDSTAR	JUNK TITLE	
2004 M/CYCLE	SUZUKI	GSXR-600	JUNK TITLE	
2001 VEHICLE	FORD	TAURUS	JUNK TITLE	

2007 VEHICLE	FORD	CROWN VIC	WRECKED	
1993 VEHICLE	DODGE	DAKOTA	POOR	
1999 VEHICLE	GMC	UTILITY ROLL OFF	POOR	
1988 VEHICLE	DODGE	W250 4X4 W/PLOW	POOR	
1989 VEHICLE	FORD	ECONOLINE VAN	POOR	
2005 VEHICLE	FORD	CROWN VIC	POOR	
2008 VEHICLE	FORD	CROWN VIC	POOR	
2004 VEHICLE	FORD	CROWN VIC	POOR	
1999 VEHICLE	FORD	CROWN VIC	POOR	
1988 MOWER	CASE	MOWER	POOR	
BIKE	RALEIGH	M20	GOOD	PURPLE
BIKE	PACIFIC	PLATINUM	GOOD	PINK
BIKE	MAGNA	OUTREACH	GOOD	PURPLE
DOG LEASHES	BIOPET	16 & 26 LENGTHS	NEW	
3 WATER FILTERS	BRITA		NEW	
6 BRASS DARTS	BARREL DARTS	W/WALL RACK	NEW	
SMOKE DETECTOR	FIRST ALERT	SMOKE+FIRE	NEW	
FOOTBALL		DALLAS COWBOY	USED	
SWEAT SHIRT	JERZEE	KIDS MEDIUM	NEW	
SWEAT SHIRT	JERZEE	KIDS SMALL	NEW	
BATHING SUIT		WOMANS MEDIUM	NEW	BLACK/WHITE
CAR RADIO	PYRAMID	2013DGL	GOOD	
CAR RADIO	HYUNDAI		GOOD	
AMPLIFIER	URBAN	AW-2100M 100 W	GOOD	
RADAR DETECTOR	UNIDEN		GOOD	
POWER ADAPTER	SAIKO	VIDEO AC	NEW	
MICROPHONE	SONY	F-VS DYNAMIC	NEW	
TELEPHONE	AT&T	CORDLESS 4336	NEW	
SCREWDRIVER	BLACK&DECKER	HANDY DRIVER	NEW	
HACKEYSACK BALL		100 COUNT	GOOD	
DVDS	TROPIC THUNDER		NEW	
	FRED CLAUS		NEW	
	WALL E		NEW	
	YOU DON'T MESS		NEW	
	WITH THE ZOHAN			
COMPUTER EQUIP.	DELL	PC,PRINTERS,HUBS,	OBSOLETE	
		CABLES,SWITCHES		

The following Resolution #2011-328 (Authorizing Amendment to Award of State Contract - Purchase of Auto & Truck Parts) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-328

RESOLUTION AUTHORIZING AMENDMENT TO AWARD OF STATE CONTRACT
TO PERTH AMBOY TIRE INC. AND EDWARDS TIRE CO. INC. FOR
PURCHASE OF AUTO AND TRUCK PARTS FOR THE DEPARTMENT
OF PUBLIC WORKS DIVISION OF VEHICLE MAINTENANCE

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

WHEREAS, on February 3, 2011, the Township authorized the purchase of auto and truck parts from various vendors in order to maintain the Township vehicle fleet through bids obtained and contracts awarded by the State of New Jersey Division of Purchase and Property in the Department of Treasury (R.2011-074); and

WHEREAS, the Township has been advised that Perth Amboy Tire Inc. is no longer in business; and

WHEREAS, due to the fact that Perth Amboy Tire Inc. can no longer service the Township, the Department of Public Works Division of Vehicle Maintenance has recommended a reduction in the original authorization for Perth Amboy Tire Inc. by \$20,000.00; and

WHEREAS, due to the fact that Perth Amboy Tire Inc. can no longer service the Township, the Department of Public Works Division of Vehicle Maintenance desires to purchase additional auto and truck parts from Edwards Tire Co. Inc. in order to maintain the Township vehicle fleet for the remainder of 2011; and

WHEREAS, funds will be certified by the Chief Financial Officer of the Township of Marlboro prior to any commitment for goods or services in an amount not to exceed \$27,000.00; and

WHEREAS, the Township Council desires to approve the recommendation of the Department of Public Works and purchase the needed auto and truck parts from Edwards Tire Co. Inc.;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to reduce the authorization for Perth Amboy Tire Inc. by \$20,000.00 and increase the authorization to purchase auto and truck parts from Edwards Tire Co. Inc. under State Contracts #71687 and #71688 respectively in an additional amount not to exceed \$27,000.00; and

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

- a. Township Administrator
- b. Township Director of Public Works
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-329 (Authorizing Grant Application NJDOT Highway Safety Grant Program) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Cantor, and passed on a roll call vote of 5 - 0 in favor.

Resolution # 2011-329

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Highway Safety Fund project.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as FY 2011 Highway Safety Fund Safe Corridors Act to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The following Resolution #2011-330 (Authorizing Marlboro OEM to Apply for Assistance - Hurricane Event of August 28, 2011) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-330

RESOLUTION AUTHORIZING THE MARLBORO OFFICE OF EMERGENCY MANAGEMENT TO
APPLY FOR FINANCIAL ASSISTANCE FOR THE HURRICANE EVENT OF AUGUST 28,
2011

WHEREAS, Hurricane Irene approached the New Jersey coast line on August 28, 2011 bringing heavy rainfall and high wind conditions to our area; and

WHEREAS, the Township suffered significant storm damage and power outages as a result of the severe weather conditions; and

WHEREAS, a State of Emergency was declared by both the President and the Governor in anticipation of this storm event; and

WHEREAS, the declaration of a State of Emergency by the Governor triggers a process whereby the Township may be reimbursed for costs associated with the emergency response by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Township wishes to apply for "Hurricane Assistance" from FEMA for the hurricane event that occurred on August 28, 2011.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application for Hurricane Assistance from FEMA for the hurricane event that occurred on August 28, 2011.

The following Resolution #2011-331 (Confirming Temporary Suspension of Bulk Item Drop Off Permit Fee) 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 # 2011-331

RESOLUTION CONFIRMING TEMPORARY SUSPENSION OF
BULK ITEM DROP OFF PERMIT FEE

WHEREAS, the President and Governor declared a State of Emergency in anticipation of Hurricane Irene; and

WHEREAS, Hurricane Irene struck New Jersey on Sunday August 28, 2011 unleashing high winds and rainfall which resulted in flood conditions and widespread power outages; and

WHEREAS, many residents suffered damage to their properties as a result; and

WHEREAS, section 320-25.1A of the Township code sets a fee for a bulk item drop off permit which enables residents to deposit bulk items at the Township Recycle Yard; and

WHEREAS, in light of the State of Emergency, Mayor Hornik has temporarily suspended the fee for the bulk item drop off permit for the period August 29, 2011 through September 10, 2011; and

WHEREAS, the Municipal Council of the Township of Marlboro concurs with the determination of the Mayor to assist residents with the disposal of bulk items damaged by the storm during this State of Emergency.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Marlboro hereby acknowledges, confirms and approves of a temporary suspension of the bulk item drop off permit fee to assist residents in depositing storm-damaged bulk items for the period August 29, 2011 through September 10, 2011.

BE IT FURTHER RESOLVED that the Township will refund any residents who have paid for such permit since August 29, 2011.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2011-332 (Redemption Tax Sale Certs. - Various), Res. #2011-333 (Tax Court Judgment Refund - B 180, L 48), Res. #2011-334 (Authorizing Water Installment Plan - Tyndorf) and Res. #2011-335 (Raffle License - Middlesex County Bar Foundation - On Premise Merch.).

RESOLUTION # 2011-332

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$96,156.98 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$96,156.98 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
11-70 111 Valesi Dr.	184/30	Alvero Acquisition Corp. 1 Executive Blvd. Yonkers, NY 10701 Assessed Owners: Joe & Gwen Mangano	\$64,070.64
11-81 19 Lloyd Rd.	116/21	Stonefield Investment Fund I, LLC 21 Robert Pitt Dr. #202 Monsey, NY 10952 Assessed Owners: Michael H. Valsera, Jr. & M.L. Valsera	814.48
11-67 3 Nelson St.	134/20	Alvero Acquisition Corp. 1 Executive Blvd. Yonkers, NY 10701 Assessed Owners: Konstantina G. Reditis & CJ Castillo	21,620.23
11-88 234 Ravenswood Rd.	288/29 C0234	Stonefield Investment Fund I, LLC 21 Robert Pitt Dr. #202 Monsey, NY 10952 Assessed Owner: Wells Fargo Bank, NA	889.38
11-74 14 Thomas Ln.	105/3	Ace Plus, LLC 1416 Ave. L Brooklyn, NY 11230 Assessed Owner: Alice English	1,118.06
11-19 10 School Rd. W.	223/3	Rosehill Fund I, LLC P.O. Box 503 Rye, NY 10580 Assessed Owner: Marlboro Realty LLC	908.05

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
11-18 12 School Rd. W.	223/2	Rosehill Fund I, LLC P.O. Box 503 Rye, NY 10580 Assessed Owner: Marlboro Realty LLC	908.05
11-45 16 Crest Dr.	268.04/21	BJI Financial Group Inc. 111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owners: Rajan & Rekha Rijhsighani	870.85
10-32 1 Pine Ln.	398/17	US Bank TLSG 50 S 16 th Street Suite 1950 Philadelphia, PA 19102 Assessed Owners: Kevin & Barbara S. Sheridan	787.49
11-85 20 Emerald Dr.	184.01/27	Stonefield Investment Fund I, LLC 21 Robert Pitt Dr. #202 Monsey, NY 10952 Assessed Owners: Felix Guralnik & Larisa Brushtin	2,623.29
11-47 416 Bayberry Ct.	288/29	BJI Financial Group Inc. 111 Sandalwood Dr. Marlboro, NJ 07746 Assessed Owner: Josephine Castillonese	902.33
11-100 531 Manchester Pl.	178/2	Changsheng Lu 4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owner: Frances E. Puleio	644.13
TOTAL:			\$96,156.98

RESOLUTION # 2011-333

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 1,880.78 for the year 2010 for Block 180 Lot 48, located at 37 Eric Court, assessed to Rog, Robin,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$ 1,880.78.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$ 1,880.78 to Rog, Robin.

RESOLUTION # 2011-334

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, Gregory Tyndorf and Tricia Tyndorf, the owners of 26 Buttonwood Drive, which is designated as Block 198, Lot 2 on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number E05436 and Account ID Number 47023; and

WHEREAS, Customer has a delinquent Account balance of \$626.45 (exclusive of accrued interest), which is attributable to water service for the quarterly period ended July 31, 2011, and which is due for payment by August 31, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a

request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an

installment payment agreement with Customer for the payment of past due water service charges totaling \$626.45 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- a. Jonathan L. Hornik, Mayor
- b. Randi Marder, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector

RESOLUTION # 2011-335

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 22-11 (On Premise Merchandise) be and it is hereby granted to Middlesex County Bar Foundation, 87 Bayard Street, New Brunswick, NJ 08901.

BE IT FURTHER RESOLVED that said Raffle will be held on October 3, 2011 from 11 AM - 7 PM at Bella Vista Country Club, 100 School Road East, Marlboro, NJ 07746.

The following Resolution #2011-336 (Raffle License Marlboro Sunshine Fund Inc.) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 3 - 0 in favor, with Council Vice President Cantor and Councilman LaRocca abstaining.

RESOLUTION # 2011-336

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 23-2011 (On Premise 50/50) be and it is hereby granted to Marlboro Sunshine Fund, Inc., 65 School Road West, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

September 18, 2011	12 Noon to 5 PM
October 15, 2011	12 Noon to 10 PM

on the grounds of the Municipal Complex, 1979 Township Drive, Marlboro, NJ 07746.

The following Resolution #2011-337 (Authorizing Public Forum and Requesting the Board of Public Utilities to Enforce Current Standards and Implement Specific Improvements of Electrical Services) was introduced by reference, offered by Councilman LaRocca and seconded by Councilman Metzger. Discussion followed, during which Mayor Hornik and Councilmembers stated they would like to discuss with J C P & L what improvements should be made regarding future emergencies. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-337

RESOLUTION AUTHORIZING PUBLIC FORUM AND REQUESTING THE BOARD OF PUBLIC UTILITIES TO ENFORCE CURRENT STANDARDS AND IMPLEMENT SPECIFIC IMPROVEMENTS OF ELECTRICAL SERVICES PROVIDED TO MARLBORO TOWNSHIP

WHEREAS, the residents of the Township of Marlboro ("Township") have suffered substantial loss of electricity as a result of Hurricane Irene that has caused damage to residents personal property and a threat to their health, safety and general well being; and

WHEREAS, the response from Jersey Central Power & Light ("JCP&L") to the concerns of the Township residents was unsatisfactory; and

WHEREAS, the Mayor and the Township Council have concluded that the inaction and lack of response on the part of JCP&L was a danger to the health, safety and general well being of the township residents; and

WHEREAS, the Board of Public Utilities ("BPU") is the regulatory authority with a statutory mandate to ensure safe, adequate, and proper utility services at reasonable rates for customers in New Jersey; and

WHEREAS, the BPU regulates critical services such as natural gas, electricity, water, telecommunications and cable television; and

WHEREAS, the BPU is mandated to ensure the provision of safe, adequate and proper utility and regulated services at reasonable rates, while enhancing the quality of life for the citizens of New Jersey and performing these public duties with integrity, responsiveness and efficiency; and

WHEREAS, the BPU Division of Reliability and Security is responsible for implementing ongoing strategies for utility disaster

preparedness, reliability and infrastructure security in conjunction with the State's domestic preparedness and security efforts by the comprehensive coordination of utility remediation and recovery actions; and

WHEREAS, the Mayor and the Township Council have concluded that the services provided by JCP&L have failed to meet any reasonable standard of safe, adequate and proper service and that JCP&L failed to demonstrate reasonable and proper disaster preparedness, reliability and/or infrastructure security; and

WHEREAS, the Mayor and Township Council are aware of proposed hearings to be conducted by the BPU in connection with a regional failure by JCP&L to provide such services and request that such proposed hearings consider establishing specific mandatory minimum standards and procedures to be immediately implemented by JCP&L to ensure safe, adequate and proper service to the Township residents; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that:

1. The Mayor and the Township Council hereby specifically request that the BPU require that JCP&L immediately provide the Township residents with proper infrastructure repairs, upgrades and enhancements to ensure safe adequate and proper service to the Township residents; and
2. The Mayor and the Township Council hereby specifically request that the BPU require that JCP&L immediately work with Township to develop responsible strategies for utility disaster preparedness for the delivery of electricity to Township residents; and
3. That such specific minimum standards shall include, but not be limited to:
 - a. An immediate mandatory review and assessment of current electrical infrastructure with a published plan and timeframe for maintenance and improvement;
 - b. The designation of local and regional representatives who shall be fully familiar with such review and assessment and who shall periodically (at least semi-annually) meet with the State, County and Municipal Offices of Emergency Management to establish and maintain specific emergency management procedures for the Township;
 - c. At the cost and expense of JCP&L, or funded by a BPU grant, designate, train, and/or otherwise qualify a local municipal employee with the authority to assess any electrical service issues such that the local

Department of Public Works (state, county or municipality as the case may require) can safely clear trees and debris surrounding fallen power lines to ensure the safety of the Township residents and general public;

d. The immediate development and implementation of an emergency communication and information plan that includes, but is not limited to:

- i. Reverse 911 dialing for updates and notices to all JCP&L customers
- ii. Internet Updates and RSS feeds
- iii. Updates via social media
- iv. Mandatory staffing of emergency customer service representatives
- v. Internet based action plan for each community that is updated hourly during an emergency

4. The Mayor and the Township Council shall hereafter set a date for a public forum whereby representatives from the BPU, JCP&L, the Marlboro OEM and various other Township departments can discuss Township specific issues, proposed solutions, and emergency management items.

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

- a. JCP&L
- b. BPU
- c. Marlboro Township OEM
- d. Marlboro Township Department of Public Works
- e. Governor Christopher Christie

At 8:50 PM, Council Vice President Cantor 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: October 20, 2011

OFFERED BY: Cantor AYES: 5

SECONDED BY: Metzger NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT