

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 1, 2009

The Marlboro Township Council held its Inauguration Meeting on January 1, 2009 at 5:00pm at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this inauguration 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 29, 2008; 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: Councilman LaRocca, Councilwoman Marder, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

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

The following Resolution #2009-1 (Election of Council President - Steve Rosenthal) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-1

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 4-5 of the Code of the Township of Marlboro, STEVE ROSENTHAL shall serve as the Council President of the Marlboro Township Council.

Mayor Jonathan Hornik swore in Council President Rosenthal.

The following Resolution #2009-2 (Election of Council Vice President - Frank LaRocca) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-2

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 4-5 of the Code of the Township of Marlboro, FRANK LARocca shall serve as the Council Vice President of the Marlboro Township Council.

Mayor Jonathan Hornik swore in Council Vice President Frank LaRocca.

The following Resolution #2009-3 (Authorizing Contract - Alayne Shepler) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-3

RESOLUTION AUTHORIZING OF A CONTRACT WITH
ALAYNE SHEPLER, L.L.C., TO PERFORM THE DUTIES OF
BUSINESS ADMINISTRATOR FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by RESOLUTION #2008-286, the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey granted its advice and consent to the Mayor's appointment of Alayne Shepler, L.L.C., as Business Administrator for the period of July 1, 2008 through January 31, 2008; and

WHEREAS, the Mayor now seeks the advice and consent of the Township Council of the Township of Marlboro to appoint Alayne Shepler, L.L.C., to perform the duties of Business Administrator for the Township of Marlboro beginning January 1, 2009 and continuing through December 31, 2009; and

WHEREAS, the business administrator services supplied by Alayne Shepler, L.L.C. is a professional service, exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Township desires to enter into a non-fair and open contract with Alayne Shepler, L.L.C., for business administrator services, 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 are available for this purpose in the 2009 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5 will be made during the term of the contract;

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 grants its advice and consent to the appointment of Alayne Shepler, L.L.C. to perform the duties of Business Administrator for the Township of Marlboro; and

2. Hereby authorizes and approves the award of a Professional Services Contract to Alayne Shepler, L.L.C., to perform the duties of business administrator pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

3. 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, and shall provide for compensation of \$125,000.00 for the period of January 1, 2009 through December 31, 2009; and

4. 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

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

6. Notice of the award of this contract shall be published as required by law within ten (10) days of its passage; and

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

- a. Mayor Jonathan Hornik
- b. Alayne Shepler, L.L.C.
- c. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Township Attorney Jonathan Williams stated that he will reduce the cap on legal expenses from \$350,000 to \$275,000. The following Resolution #2009-4 (Authorizing Contract - DeCotiis, Fitzpatrick, Cole & Wisler, LLP - General Legal Services) was introduced by reference as amended, offered by Council Vice President LaRocca, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-4 (AS AMENDED)

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO JONATHAN L. WILLIAMS, ESQ. OF DECOTIIS, FITZPATRICK, COLE & WISLER, LLP FOR GENERAL LEGAL SERVICES

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 & 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, in furtherance of said appointment, the Township will require general legal services to be rendered by the law firm of DeCotiis, FitzPatrick, Cole & Wisler, 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, 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 contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2009 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 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 Jonathan L. Williams, Esq. of the firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP, for 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. 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. The total amount paid for general legal services pursuant to this contract shall not exceed \$275,000.00 without further authorization by the Township Council; 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. A copy 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. Jonathan L. Williams, Esq. of the firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP.

Township Attorney Jonathan Williams stated that he will reduce the cap on legal expenses for labor council from \$200,000 to \$175,000. The following Resolution #2009-5 (Authorizing Contract - DeCotiis, Fitzpatrick, Cole & Wisler, LLP - Labor Counsel) was introduced by reference as amended, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-5 (AS AMENDED)

RESOLUTION AWARDING A PROFESSIONAL SERVICES
CONTRACT TO DECOTIIS, FITZPATRICK, COLE & WISLER, LLP
AS LABOR COUNSEL FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2009

WHEREAS, the Township requires and has required the legal services of Labor Counsel, such services to be rendered and have been rendered by the law firm of DeCotiis, FitzPatrick, Cole & Wisler, 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, 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 contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2009 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 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 DeCotiis, FitzPatrick, Cole & Wisler, 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, 2009; 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 provided by an attorney and an hourly rate of Eighty Dollars (\$80.00) for paralegal and law clerk services. The total amount paid for labor counsel services pursuant to this contract shall not exceed \$175,000.00 without further authorization by the Township Council; 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. A copy 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. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution #2009-6 (Authorizing Contract - DeCotiis, Fitzpatrick, Cole & Wisler, LLP - Bond Counsel) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-6

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT
TO DECOTIIS, FITZPATRICK, COLE & WISLER, LLP AS BOND COUNSEL
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2009

WHEREAS, the Township requires legal services as Bond Counsel, such services to be rendered by the firm of DeCotiis, FitzPatrick, Cole & Wisler, 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, 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, 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 2009 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 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, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a Professional Services Contract to DeCotiis, FitzPatrick, Cole & Wisler, 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 in accordance with the attached Contract for Professional Services, which provides that the 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 \$1.00 per thousand dollars of bonds issued. If more than one (1) series of bonds are issued, there will be a charge of \$1,000.00 for each additional series. In the event the bonds are insured, there will be an additional fee of \$1,000.00.

(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 hourly rates in effect at the time of providing the services. 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 hourly rates in effect at the time the services are rendered.

(d) Services rendered beyond the scope of those described above will be billed at the blended hourly rate of \$195 for attorneys and \$120 for paralegals. Such services may include attendance at meetings, preparation and review of the Preliminary Official Statement and Official Statement, attention to any litigation that may occur, arbitration and tax analysis, applications for investments of bond or note proceeds in State and Local Government Series federal obligations or any other matters as directed by the Township. If the Bond sale involves the sale of mini-bonds, 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 hourly rates in effect at the time that services are rendered, with a minimum fee of \$1,500.00, and if the Bond sale involves participation in a New Jersey Environmental Infrastructure Trust financing, such services will be billed at the hourly rates in effect at the time that services are rendered, with a minimum fee of \$2,500.00.

(e) In the event of a refunding bond issue providing for an escrow agreement and an investment of the proceeds consistent with the restrictions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will a fee of \$5,000.00 for each refunded issue in addition to the fees described herein.

(f) In the event of services rendered to the Township the cost of which is reimbursed by a private entity, such as in connection with redevelopment projects, services shall be billed at the hourly rates for attorneys and for paralegals as established by Bond Counsel from time to time for its private clients.

2. 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

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 copy of this Resolution shall be published as required by law within ten (10) days of its passage; 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 & Wisler, LLP

The following Resolution #2009-7 (Authorizing Contract - DeCotiis, Fitzpatrick, Cole & Wisler, LLP - Redevelopment Counsel) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-7

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
DECOTIIS, FITZPATRICK, COLE & WISLER, LLP AS REDEVELOPMENT COUNSEL
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2009

WHEREAS, the Township requires the legal services of Redevelopment Counsel, such services to be rendered by the law firm of DeCotiis, FitzPatrick, Cole & Wisler, 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, 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 contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2009 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26

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 DeCotiis, FitzPatrick, Cole & Wisler, 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 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 provided by an attorney and an hourly rate of Eighty Dollars (\$80.00) for paralegal and law clerk 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. A copy 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. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution #2009-8 (Authorizing Contract Township Engineer - CME) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-8

RESOLUTION APPOINTING CME ASSOCIATES AS TOWNSHIP
ENGINEER AND AUTHORIZING A PROFESSIONAL SERVICES
CONTRACT THEREFOR FOR THE YEAR 2009

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, 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 2009 Municipal Budget; and

WHEREAS, the firm of CME Associates (the "Business Entity") 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 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 an hourly rate not to exceed that paid to the previous Township Engineer for engineering services; 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 a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

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

The following Resolution #2009-9 (Authorizing Contract Special Counsel for COAH - Kenneth Biedzynski, Esq.) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-9

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT
TO KENNETH BIEDZYNSKI, ESQ. AS SPECIAL COUNSEL FOR AFFORDABLE
HOUSING FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2009

WHEREAS, the Township requires the services of an attorney as Special Counsel for Affordable Housing, such services to be rendered by Kenneth Biedzynski, Esq. 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, 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 2009 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 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., 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. A copy 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. Kenneth Biedzynski of Goldzweig, Green, Eiger & Biedzynski

The following Resolution #2009-10 (Authorizing Contract Township Planner - Heyer, Gruel & Associates) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-10

RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL SERVICES
TO HEYER, GRUEL & ASSOCIATES AS TOWNSHIP PLANNER FOR
THE TOWNSHIP OF MARLBORO FOR THE YEAR 2009

WHEREAS, the Township requires the services of a Township Planner, such services to be rendered by the firm of Heyer, Gruel and Associates (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, 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, 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 2009 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 Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 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 an hourly rate of One Hundred Thirty-Five Dollars (\$135.00); 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. A copy 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. Heyer, Gruel & Associates

The following Resolution #2009-11 (Authorizing Contract Tax Appeals Counsel - Harry Haushalter, Esq.) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-11

RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL SERVICES
TO HARRY HAUSHALTER, ESQ., AS SPECIAL TAX APPEAL COUNSEL
FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2009

WHEREAS, the Township requires the services of an attorney as Special Tax Appeal Counsel for the Township, such services to be rendered by Harry Haushalter, Esq. 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, 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 2009 Municipal Budget; and

WHEREAS, Harry Haushalter has completed and submitted a Business Entity Disclosure Certification certifying that he has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 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 Harry Haushalter's 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 Harry Haushalter, Esq., as Special Tax Appeal Counsel for 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 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. A copy 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. Harry Haushalter, Esq.

The following Resolution #2009-12 (Appointments Zoning Board of Adjustment - Michael S. Shapiro - four-year term, Jennifer Bajar - four-year term and Paul J. Schlaflin - two-year term - Alt. #1) was introduced by reference offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-12

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provides that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint Michael S. Shapiro 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 Jennifer Bajar 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 Paul J. Schlaflin to serve as a member of the Zoning Board of Adjustment, for a two-year term as Alternate # 1.

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

That it hereby appoints Michael S. Shapiro, Jennifer Bajar and Paul J. Schlaflin 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 #2009-13 (Appointment of Class III Member to Planning Board - Frank LaRocca) was introduced by reference offered by Councilman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-13

BE IT RESOLVED by the Township Council of the Township of Marlboro that pursuant to Section 94-9(A)(1) 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 #2009-14 (Appointment to MTMUA - Jack L. Zatz - 5 year term - commencing Feb. 1, 2009) was introduced by

reference offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-14

RESOLUTION APPOINTING JACK L.ZATZ TO THE MARLBORO
TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR A TERM OF FIVE
YEARS EXPIRING JANUARY 31, 2014

WHEREAS, Section 36-1 through 36-4 of the Code of the Township of Marlboro established the Marlboro Township Municipal Utilities Authority pursuant to N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, the Township Council of the Township of Marlboro desires to appoint JACK L. ZATZ for a term of five years, commencing February 1, 2009 and ending January 31, 2014 to the Marlboro Township Municipal Utilities Authority; and

WHEREAS, Section 36-2 of the Code of the Township of Marlboro provides that compensation for these services shall hereinafter be determined by a resolution of the Marlboro Municipal Utilities Authority, in an amount not to exceed \$2,000 per year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that JACK L. ZATZ be and hereby is appointed as a member of the Marlboro Township Municipal Utilities Authority for a term of five years commencing February 1, 2009 and ending on January 31, 2014, with compensation for said services to be determined by a resolution of the Marlboro Township Municipal Utilities Authority in an amount not to exceed \$2,000.00, pursuant to Section 36-2 of the Code of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that this appointment is made pursuant to the provisions of Township Code, Sections 4-34D(3) and 36-2 and pursuant to the authority of NJSA 40:14B-1 et seq.

The following Resolution #2009-15 (Appointment to WMUA - Joseph Pernice - 5 year term - commencing Feb. 1, 2009) was introduced by reference offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-15

RESOLUTION APPOINTING JOSEPH PERNICE AS A MEMBER
OF THE WESTERN MONMOUTH UTILITIES AUTHORITY FOR
A TERM OF FIVE YEARS EXPIRING JANUARY 31, 2014

WHEREAS, Sections 36-5 through 36-13 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 appoint JOSEPH PERNICE for a term of five (5) years, commencing February 1, 2009 and ending January 31, 2014 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 36-7 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 36-8 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 JOSEPH PERNICE be and hereby is appointed as a member of the Western Monmouth Utilities Authority for a term of five years commencing February 1, 2009 and ending on January 31, 2014, with compensation for said services to be set determined by a resolution of the Western Monmouth Utilities Authority in an amount not to exceed \$4,000.00 per year pursuant to Section 36-8 of the Code of the Township of Marlboro.

BE IT FURTHER RESOLVED, that this appointment is made pursuant to the provisions of the Township Code, Section 36-7 and pursuant to the authority of N.J.S.A. 40:14B-1 et seq.

The following Resolution #2009-17 (Advising and Consenting to Appointment of Municipal Prosecutor - one year term - Allen Falk) was introduced by reference offered by Council Vice President LaRocca, seconded by Council President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-17

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT
OF ALLEN FALK, ESQ. AS MUNICIPAL PROSECUTOR
OF THE TOWNSHIP OF MARLBORO

WHEREAS, Section 4-71 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 authorizes a municipality to appoint a municipal prosecutor as necessary to administer justice in a timely and effective manner in its municipal court; and

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

WHEREAS, the Township Council of the Township of Marlboro concurs with the Mayor's appointment of Allen Falk as Municipal Prosecutor for the Township of Marlboro.

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.

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

- a. Allen Falk
- b. Township Administrator
- c. Township Chief Financial Officer

The following Resolution #2009-18 (Advising and Consenting to Appointment of Public Defender - one year term - Michael DuPont, of McKenna, DuPont, Higgins & Stone) was introduced by reference offered by Council Vice President LaRocca, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-18

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT
OF MICHAEL DUPONT AS PUBLIC DEFENDER OF THE
TOWNSHIP OF MARLBORO

WHEREAS, Section 4-34 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 authorizes a municipality to appoint a public defender as necessary for the administration of justice and the effective, fair and equal representation of the poor in its municipal court; and

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

WHEREAS, the Township Council of the Township of Marlboro concurs with the Mayor's appointment of Michael DuPont of McKenna, DuPont, Higgins & Stone as the Public Defender for the Township of Marlboro.

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

- d. Michael DuPont
- e. Township Administrator
- f. Township Chief Financial Officer

The following Resolution #2009-19 (Confirming Appointment Agricultural Advisory Committee Members - two-year term - Thomas Geran) and Chairperson - one-year term - Heidi Rajan) was introduced by reference offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-19

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

WHEREAS, pursuant to Chapter 98 "Open Space, Farmland and Historic Sites" of the Code of the Township of Marlboro, specifically Sections 98-12 through 98-17, the Township of Marlboro created an Agricultural Advisory Committee; and

WHEREAS, pursuant to Section 98-13, the Mayor shall appoint three (3) citizens to the Agricultural Advisory Committee with the consent of the Township Council and shall designate a Chairperson; and

WHEREAS, the Mayor has reappointed Thomas Geran as a member of the Agriculture Advisory Committee for a term of two (2) years; and

WHEREAS, the Mayor has designed HEIDI RAJAN as the Chairperson of said Committee for a term of one (1) year; and

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

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, that the Township Council of the Township of Marlboro consents to the reappointment of Thomas Geran to the Agricultural Advisory Committee for a term 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 #2009-20 (Appointments to Nanto Committee) was tabled to a future agenda. Motion to table was made by Councilman Cantor, seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2009-21 (Appointments of Council Representatives to Marlboro Education & Government Group - Randi Marder and Rosa Tragni) was introduced by reference offered by Council Vice President LaRocca, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-21

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Representatives to the Marlboro Education and Government Group, such terms to expire December 31, 2009:

RANDI MARDER
ROSA TRAGNI

The following Resolution #2009-22 (Designating Community Development Representative and Alternate - Alayne Shepler and Robert DiMarco) was introduced by reference offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-22

APPOINTING COMMUNITY DEVELOPMENT
REPRESENTATIVE AND ALTERNATE

WHEREAS, there exists in the Township of Marlboro, County of Monmouth, the need for a Community Development Representative and an Alternate Community Representative; and

WHEREAS, Alayne Shepler is qualified for said position of Community Representative; and

WHEREAS, Robert DiMarco is qualified for said position of Alternate Community Representative; and

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

The following Resolution #2009-23 (Designating Coordinator of Compliance with ADA 2009 and Deputy - Alayne Shepler and Robert DiMarco) was introduced by reference offered by Councilwoman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-23

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 2009

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 #2009-24 (Order of Business of Council Meetings) was introduced by reference offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-24

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 2009:

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 #2009-25 (Meeting Dates - 2009) was introduced by reference offered by Council Vice President LaRocca, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-25

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following dates are to be mailed to the Asbury Park Press and the Star Ledger as scheduled meetings to be held by the Township Council during the year 2009. Any "Special" or "Closed" meeting notices will be mailed at the time of a meeting. 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 meeting without any further notice.

WORKSHOP:

REGULAR: January 22, 2009

February 12, 2009

February 19, 2009

March 5, 2009

March 19, 2009

April 2, 2009

April 23, 2009

May 7, 2009

May 21, 2009

June 4, 2009

June 18, 2009

July 16, 2009
(Workshop & Regular)

August 6, 2009
(Workshop & Regular)

September 3, 2009

September 17, 2009

October 1, 2009

October 15, 2009

November 12, 2009 (Workshop & Regular)

December 3, 2009

December 17, 2009

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor: Res. #2009-26 (Authorization to Bid: 2009 Municipal Purchasing), Res. #2009-27 (Official Newspapers), Res. #2009-28 (Duplicate Bills), Res. #2009-29 (Appointing Tax Search Officer - Shirley Giaquinto), Res. #2009-30 (Rate of Interest - Delinquent Taxes), Res. #2009-31 (Authorizing Return Check Fee for Tax Collector), Res. #2009-32 (Continuation of Bonds - Officers and Employees), Res. #2009-33 (Designating Municipal Clerk/Certificates of Searches), Res. #2009-34 (Designating Administrative Officer/Certificates of Approval of Subdivisions of Lands), Res. #2009-35 (Temporary Budget Current (26.25%) and Swim Utility), Res. #2009-36 (Cash Management Plan, Res. #2009-37 - Continuation of Petty Cash Funds) and Res. #2009-38 (Authorizing Bus. Administrator to Execute Contracts Up to \$17,500).

RESOLUTION # 2009-26

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

RESOLUTION # 2009-27

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 2009:

ASBURY PARK PRESS
NEWARK STAR LEDGER

RESOLUTION # 2009-28

BE IT RESOLVED by the Township Council of the Township of Marlboro that the cost charged by the Tax Collector for Duplicate Bills for 2009 be as follows:

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

RESOLUTION # 2009-29

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

RESOLUTION # 2009-30

WHEREAS, N.J.S.A. 54: 5-67 as amended by Chapter 435 P.L. 1978, permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments; and

WHEREAS, N.J.S.A. 54: 5-67 as amended by Chapter 75, P.L. 1991, 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 as follows:

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 be effective January 1, 2009.

RESOLUTION # 2009-31

WHEREAS, P.L. 1990, Chapter 105, supplementing Title 40 of the New Jersey State Revised Statutes has been enacted to allow a municipality the authority to impose a service charge of \$20.00 to be added on an account which was by check or other written instrument returned for insufficient funds; and,

WHEREAS, whenever an account is owing a municipality for property taxes, the service charge authorized by this section shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Shirley Giaquinto, Tax Collector, be and hereby is authorized to charge the aforementioned fee at a rate of \$20.00 per check or other written instrument for all checks returned for insufficient funds, and,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Tax Collector may require future payments to be tendered in cash or by certified or cashier's check.

RESOLUTION # 2009-32

BE IT RESOLVED by the Township Council of the Township of Marlboro that they do hereby authorize and direct that the bonds

presently in effect for the officers and employees of the Township of Marlboro be continued for the year 2009.

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

RESOLUTION # 2009-33

WHEREAS, under and by virtue of N.J.S.A. 54: 5-18.1 et seq. inclusive, it is required that the Governing Body of the Municipality by Resolution designate 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 the Municipal Clerk be and she is hereby designated as the person to make such Certificates as to Liability for Assessment for Municipal Improvements as is required by law and by virtue of said statute.

RESOLUTION # 2009-34

WHEREAS, under and by virtue of N.J.S.A. 40-55D-56, it is required that the Governing Body of the Municipality by Resolution designate an administrative officer for the issuance of certificates as to approval of subdivisions of land as provided in said statute;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Administrative Officer be and she is hereby designated as the person to make and issue such certificates as to approvals of subdivisions as required under and by virtue of said statute.

RESOLUTION # 2009-35

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2009

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 2008 is seven million three hundred fifty seven thousand ninety-five dollars (\$7,357,095.00), and swim utility budget three hundred five thousand two hundred fifty dollars (\$305,250.00).

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 2009 according to the schedule attached hereto and a made a part hereof, and

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

RESOLUTION # 2009-36

RESOLUTION ESTABLISHING A CASH MANAGEMENT PLAN
AND NAMING OFFICIAL DEPOSITORIES
FOR THE TOWNSHIP OF MARLBORO FOR 2009

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 2009.

CASH MANAGEMENT PLAN OF THE
TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH
CALENDAR YEAR 2009

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) Public Assistance Account I

- 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
Peapack-Gladstone Bank
PNC Bank
SI Bank & Trust
Sovereign Bank
Sun National Bank
TD North
Trust Company of New Jersey
United National Bank
Unity 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 Investments that involve Securities shall be executed by a "delivery versus payment" method to Marlboro or by a third party custodian prior to or upon the release of the Township of Marlboro's funds.

To assure that all parties with whom the Township of Marlboro deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in the Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

IX. DISBURSEMENT OF FUNDS

All funds shall be disbursed as authorized and directed in accordance with statutory provision established by Municipal Code, section 4-59. The Chief Financial Officer shall, at the beginning of the fiscal year, present to the

Township Council a schedule of debt service principal and interest payments and when available, a schedule of School Tax payments for the upcoming fiscal year. Upon review of the schedules of payments by the Township Council, the Chief Financial Officer shall then have the authority to make the following disbursements:

District & Regional School Taxes
County Taxes
Fire Districts
Inter-funds
Purchase of Investments
Debt Service
Salaries & Wages
Postage
Petty Cash Reimbursements
Payroll Withholdings - Taxes, Dues
Deferred Compensation, Bonds,
Garnishments and Pension

X. PETTY CASH FUND

Reimbursements for expenditures through the Petty Cash Fund shall be made within the limits approved by the Director of the Division of Local Government Services. The Petty Cash Fund shall be maintained in accordance with N.J.S.A. 40A:5-21. Petty Cash Funds shall be maintained in the following amounts:

Chief Financial Officer	\$ 200.00
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, 2009 to December 31, 2009. 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 # 2009-37

RESOLUTION AUTHORIZING PETTY CASH FUND
FOR CALENDAR YEAR 2009

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>2008 LEVEL</u>	<u>2009 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 # 2009-38

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

BE IT FURTHER RESOLVED that Alayne Shepler, 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

