

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

April 2, 2009

The Marlboro Township Council held its regularly scheduled meeting on March 19, 2009 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 2, 2009; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building posted on the Marlboro Township Website, and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President LaRocca Councilwoman Marder, Councilwoman Tragni and Council President Rosenthal.

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

The following Res. #2009-151 (Honoring our Troops and "Support Our Troops Day") was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 1 in favor. (Absent: LaRocca). Mayor Hornik read into the record a proclamation honoring our troops and presented it to representatives from Dvorin Veterans, Post 972.

RESOLUTION # 2009-151

A Resolution Honoring Our Troops  
and "Support our Troops Day"

WHEREAS, the people of this municipality support the New Jersey National Guard and Reserve in the strongest possible terms, are immensely proud of their accomplishments, and are extremely grateful for their services to this State and to the nation over the years;

WHEREAS, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession by responding to their community and their country in time of need,

WHEREAS, it is right and proper that we set aside time to honor these fine men and women for the sacrifices they make for every one of us,

WHEREAS, the New Jersey National Guard State Family Readiness Council is honoring them with a concert by the Blawenburg Band at the National Guard Armory in Lawrenceville on "Support Our Troops Day" on Sunday, April 19, 2009.

THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro, County of Monmouth, hereby resolve that they honor these service members and the day of appreciation set aside for them,

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to the New Jersey National Guard State Family Readiness Council, and the New Jersey League of Municipalities.

Council took a ten-minute recess.

Council President Rosenthal opened the Public Hearing on Ordinance Ord. #2009-007 (Replacing Chapter 91 - Mobile Homes Rent Control). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2009-146/Ord. # 2009-007 (Replacing Chapter 91 - Mobile Homes Rent Control) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2009-146

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

ORDINANCE # 2009-7 (As Amended)

AN ORDINANCE DELETING CHAPTER 91 "MOBILE HOME COMMUNITIES RENT CONTROL", OF THE CODE OF THE TOWNSHIP OF MARLBORO IN ITS ENTIRETY AND REPLACING SAME WITH A NEW CHAPTER 91, "MOBILE HOME COMMUNITIES RENT CONTROL" THEREBY IMPLEMENTING THE RECOMMENDATIONS OF THE MARLBORO TOWNSHIP AFFORDABLE HOUSING AND RENT CONTROL BOARD

which was introduced on March 19, 2009, public hearing held April 2, 2009, be adopted on second and final reading this 2nd day of April, 2009.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Rosenthal opened the Public Hearing on Ordinance Ord. # 2009-016 - Amend Chapter 5 - Development Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2009-147/Ord. #2009-016 - Amend Chapter 5 - Development Fees) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2009-147

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

ORDINANCE # 2009-16

AN ORDINANCE AMENDING CHAPTER 5 "AFFORDABLE HOUSING", ARTICLE III, "DEVELOPMENT FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF MARLBORO

which was introduced on March 19, 2009, public hearing held April 2, 2009, be adopted on second and final reading this 2nd day of April, 2009.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2009-148/Ord. # Ord. # 2009-017 (Amend Chapter 117 - Recreation Fees - Mobile Stage Rental) was

introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 1 in favor with Council Vice President LaRocca abstaining.

RESOLUTION # 2009-148

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

ORDINANCE # 2009-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117  
"RECREATIONAL FACILITIES" OF THE CODE OF THE  
TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on April 30, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117  
"RECREATIONAL FACILITIES" OF THE CODE OF THE  
TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro Recreation Commission is authorized and directed to arrange for the imposition of fees to defray a portion of the costs of the operation of various recreation programs within the Township; and

WHEREAS, the Marlboro Recreation Commission had provided the Mayor and Council with its recommendation, dated March 16, 2009 requesting that the rental fees for mobile stage rentals be increased to reflect cost increases from the initial fees established in 1999.

WHEREAS, the Township Council agrees to increase the rental fees for mobile stage rentals to reflect cost increases.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that Section 117-2 "Schedule of Fees for Recreational Programs" of Chapter 117 "Recreational Facilities" of the Code of the Township of Marlboro be and is hereby amended to increase the fees for mobile stage rentals by adding a new Sub-Section 117-2(u) as follows:

u. Mobile Stage Rental. Use of Township Mobile Stage by other Municipalities or affiliated agencies:

- |                          |                     |
|--------------------------|---------------------|
| 1. Fee for single event: | \$500.00            |
| 2. Fee for continuous    | \$500.00            |
| Multi-day use            | \$200.00 (per day   |
|                          | For each add'l day) |

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2009-149 (Amending Emergency Appropriation) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-149

EMERGENCY TEMPORARY APPROPRIATION  
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2009 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2008 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2008 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$15,432,463.17 for the municipal budget and \$593,615.00 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2009 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

<b>Appropriations</b>	<b>2008 Municipal Budget</b>	<b>2009 Temporary Emergency</b>
Administration (30)		
Salary & Wages	160,000.00	80,000.00
Other Expenses	176,660.00	88,330.00
Office of the Mayor (10)		
Salary & Wages	65,000.00	32,500.00
Other Expenses	5,000.00	2,500.00
Ethics Commission		
Salary & Wages		
Other Expenses	2,500.00	1,250.00

Township Council (21)		
Salary & Wages	18,000.00	9,000.00
Other Expenses	3,500.00	1,750.00
Municipal Clerk (20)		
Salary & Wages	197,000.00	98,500.00
Other Expenses	67,200.00	33,600.00
Finance		
Salary & Wages	236,500.00	118,250.00
Other Expenses	26,500.00	13,250.00
Annual Audit	35,000.00	0.00
Central Computer Services		
Salary & Wages	32,500.00	16,250.00
Other Expenses	24,800.00	12,400.00
Tax Collector		
Salary & Wages	235,000.00	117,500.00
Other Expenses	29,250.00	14,625.00
Tax Assessor		
Salary & Wages	227,500.00	113,750.00
Other Expenses	87,100.00	43,550.00
Legal Services		
Other Expenses	400,000.00	200,000.00
Engineering Services		
Salary & Wages	305,000.00	152,500.00
Other Expenses	130,750.00	65,375.00
Economic Development		
Salary & Wages	2,000.00	1,000.00
Other Expenses	10,000.00	5,000.00
Grant Administration		
Salary & Wages		
Other Expenses	12,000.00	6,000.00
Cable Studio		
Salary & Wages		
Other Expenses	50,000.00	25,000.00

Inter- Governmental Relations		
Other Expenses	1,000.00	500.00
Homeland Security		
Salary & Wages	30,000.00	15,000.00
Other Expenses	54,500.00	27,250.00
Historic Sites Commission		
Other Expenses	3,000.00	1,500.00
Planning Board		
Salary & Wages	68,850.00	34,425.00
Other Expenses	40,500.00	20,250.00
Planning Board Contractual		
Other Expenses	31,400.00	15,700.00
Zoning Board		
Salary & Wages	174,000.00	87,000.00
Other Expenses	47,650.00	23,825.00
Liability Insurance	397,675.00	250,000.00
Workers Comp	525,000.00	300,000.00
Group Insurance	2,304,500.00	1,152,250.00
Unemployment Insurance		
Police		
Salary & Wages	8,440,000.00	4,220,000.00
Other Expenses	385,250.00	192,625.00
Crime Prevention		
Other Expenses	37,130.00	18,565.00
School Educational Programs		
Other Expenses	16,900.00	8,450.00
Highway Safety		
Other Expenses	33,000.00	16,500.00
Emergency Management		
Salary & Wages	23,000.00	11,500.00
Other Expenses	16,850.00	8,425.00

Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	141,500.00	70,750.00
Other Expenses	15,050.00	7,525.00
Municipal Prosecutors Office		
Salary & Wages	34,000.00	17,000.00
Streets and Road Maint		
Salary & Wages	1,700,000.00	850,000.00
Other Expenses	45,790.00	22,895.00
Snow Removal		
Salary & Wages	50,000.00	25,000.00
Other Expenses	365,790.00	182,895.00
Public Works – Other		
Salary & Wages	377,000.00	188,500.00
Other Expenses	66,020.00	33,010.00
Shade Tree Commission		
Salary & Wages		
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	23,000.00	11,500.00
Other Expenses	700,528.00	350,264.00
Buildings & Grounds		
Salary & Wages	454,500.00	227,250.00
Other Expenses	212,140.00	106,070.00
Vehicle Maintenance		
Salary & Wages	440,000.00	220,000.00
Other Expenses	129,800.00	64,900.00
Community Services Act		
Other Expenses	94,700.00	47,350.00
Open space Committee		
Other Expenses	2,500.00	1,250.00

Public Health Services – Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,890.00	945.00
Drug Abuse Control		
Salary & Wages	4,000.00	2,000.00
Other Expenses	7,550.00	3,775.00
Environmental Health Services		
Salary & Wages	2,000.00	1,000.00
Other Expenses	8,000.00	4,000.00
Animal Control Services		
Other Expenses	52,000.00	26,000.00
Recreation		
Salary & Wages	487,500.00	243,750.00
Other Expenses	138,822.00	69,411.00
Teen Program		
Salary & Wages		
Other Expenses	20,000.00	10,000.00
Park Maintenance		
Salary & Wages	570,000.00	285,000.00
Other Expenses	44,680.00	22,340.00
Municipal Library		
Other Expenses	16,200.00	8,100.00
Prior Year Bills	15,500.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Deficit in Animal control	5,138.89	0.00
Postage		
Other Expenses	60,000.00	30,000.00
Electricity	394,000.00	197,000.00
Street Lighting	634,000.00	317,000.00
Telephone	150,000.00	75,000.00
Water	20,000.00	10,000.00

Natural Gas	95,000.00	47,500.00
Sewer	10,000.00	5,000.00
Gasoline	465,000.00	232,500.00
Landfill Disposal Costs	201,300.00	100,650.00
PERS	452,500.00	345,000.00
FICA	1,050,000.00	525,000.00
Contingent	10,000.00	0.00
Municipal Court		
Salary & Wages	350,000.00	175,000.00
Other Expenses	129,600.00	64,800.00
Public Defender		
Salary & Wages	17,000.00	8,500.00
Other Expenses		
Affordable Housing		
Salary & Wages	4,000.00	2,000.00
Other Expenses	4,300.00	2,150.00
Police Dispatch 911		
Salary & Wages	660,000.00	330,000.00
Other Expenses	248,000.00	124,000.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	1,710,000.00	920,000.00
SFSP Fire District Payments		
Other Expenses	14,229.00	7,114.50
Clean Communities Act	45,545.33	51,267.57
Monmouth Drug & Alcohol		
Grant Share	32,008.00	28,547.00
Local Share	8,002.00	7,136.00

Recycling Tonnage Grant	25,100.67	40,370.49
NJDOT Union Hill Road	160,000.00	0.00
Child Passenger Safety		
Body Armor Grant	8,007.68	6,970.90
StormWater Grant	20,619.00	0.00
Pedestrian Safety Grant	12,496.00	0.00
Highway Safety Grant	47,000.00	0.00
2008 Green Communities Phase II Grant	0.00	3,000.00
Click It or Ticket Grant	0.00	4,000.00
Matching Funds for Grants	0.00	0.00
Smart Growth Grant		
Grant Share	50,000.00	0.00
Local Match	50,000.00	0.00
Alcohol Rehab Grant	2,086.08	1,124.46
Handicapped Rec Opportunities Grant		
Grant Share		2,100.00
Local Share		
Capital Improvement Fund		
Other Expenses	150,000.00	0.00
Acquisition of Rights of Way		
Bond Principal	1,798,000.00	391,000.00
Bond Anticipation Notes	41,175.00	41,175.00
Bond Interest	650,000.00	290,000.00
Note Interest	182,000.00	248,750.00
Green Acres Trust - P & I	28,865.00	14,432.25

Capital Lease program		
Principal	462,100.00	0.00
Interest	63,050.00	22,000.00
Emergency Authorizations	105,000.00	0.00
Deferred Charges		
Reserve for Uncollected Taxes	1,825,000.00	0.00
Totals	33,994,047.65	15,432,463.17

The following Res. #2009-150 (Deferring School Tax) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-150

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wish to defer school taxes as promulgated by the Division of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to increase the Township's deferred school taxes as of December 31, 2008 as follows;

	<u>From</u>	<u>To</u>	<u>Increase</u>
Local District School	\$30,225,000.00	\$32,225,000.00	\$2,000,000.00
Regional High School	\$13,300,000.00	\$13,300,000.00	\$ 0.00
Total	\$43,525,000.00	\$45,525,000.00	\$2,000,000.00

The following Res. #2009-161 (Authorizing Participation in Pension Deferral Program) was introduced by reference, offered by Councilman Cantor, seconded by Council President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-161

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING APPLICATION TO  
THE LOCAL FINANCE BOARD FOR A REDUCED PENSION CONTRIBUTION  
PURSUANT TO N.J.S.A. 43:15A-24(c) AND / OR N.J.S.A.43:16a-15(9)

WHEREAS the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey desires to make application to the Local finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to N.J.S.A. 43:15A-24( c ) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of :

- Police and Fire Retirement System in the amount of \$846,447.50
- Public Employees Retirement System in the amount of \$274,383.50

WHEREAS, the Mayor and Council has made certain determinations concerning this application as required by statute and has completed the required Attachment that documents said determinations;

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

Section 1. - The reduced pension contribution Attachment as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

Section 2. - The reduced pension contribution for PERS in the amount of \$274,383.50 and PFRS in the amount of \$846,447.50 pursuant to N.J.S.A. 43:16A-15(9) and N.J.S.A. 43:15A-24( c ) et. Seq. have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pensions and Benefits.

Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Mayor and Council are hereby authorized to submit such application and to represent the Township of Marlboro in matters pertaining thereto.

Section 4. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and / or approvals as provided by law.

The following Res. # 2009-161A (Authorizing application of Levy cap waiver to Local Finance Board) was introduced by reference, offered by Councilman Cantor seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-161A

WHEREAS, the Township of Marlboro has experienced significant deficiencies in the regeneration of Surplus in municipal operations for the year of 2008, and

WHEREAS, the available amount of surplus to be used as an anticipated revenue in the 2009 Township of Marlboro municipal budget will be roughly \$3 million less than the amount used in the 2008 municipal budget, and

WHEREAS, it is contemplated at this point in time to use roughly \$500,000 of Capital Surplus as an anticipated revenue in the 2009 Marlboro municipal budget, and

WHEREAS, the preparation of the "Levy Cap Calculation" for submission to the Division of Local Government Services indicates that the allowable amount to be raised by taxation is negatively affected by the use of such Capital Surplus in the 2009 municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey that an application to the Local Finance Board for a "CAP Waiver" is hereby approved and authorized.

The following Res. #2009-152 (Applying for Regional Feasibility Study Grant (SHARE) Solid Waste and Recycling Collection) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-152

A RESOLUTION AUTHORIZING PARTICIPATION IN AND TO ACT AS LEAD MUNICIPALITY FOR A SHARING AVAILABLE RESOURCES EFFICIENTLY ("SHARE") GRANT, FOR A REGIONAL FEASIBILITY STUDY TO PROMOTE SHARED SERVICES BETWEEN LOCAL UNITS FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES

WHEREAS, the Township of Marlboro ("Marlboro") as Lead Municipality (defined hereinbelow) and the City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck (recycle only), Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold (recycle only), Township of Hazlet, Township of Holmdel (recycle only), Borough of Keyport, Borough of Lake Como, Borough of Little Silver, Village of Loch Arbour, City of Long Branch, Township of Manalapan, Borough of Matawan, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Red Bank, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Union Beach, Township of Wall, and the Borough of West Long Branch (collectively, the "Municipal Group") have agreed to apply for a Sharing Available Resources Efficiently Grant ("SHARE Grant") through the State of New Jersey Local SHARE Program for the amount of \$228,003.00, such SHARE Grant monies to be divided amongst the Lead Municipality and Municipal Group; and

WHEREAS, Marlboro has agreed to be the Lead Municipality ("Lead Municipality") for such SHARE Grant application; and

WHEREAS, the Township Council of Marlboro acknowledges and accepts the responsibility to act as applicant for the SHARE Grant on behalf of itself and the Municipal Group; and

WHEREAS, the State of New Jersey has made SHARE Grants available to assist local unit studies and to develop and implement new shared and regional services; and

WHEREAS, the purpose of this SHARE Grant is to promote shared services between local units for solid waste and recycling collection services, including services such as technological advances, different methods of solid waste removal, and data retrieval that would be beneficial to all local units; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro desire to act as Lead Municipality on behalf of itself and the Municipal Group to apply for a SHARE Grant through the State of New Jersey Local SHARE Program for the amount of \$228,003.00, such SHARE Grant monies to be divided amongst the Lead Municipality and Municipal Group, to be used to promote shared services between local units for solid waste and recycling collections services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Township of Marlboro does hereby agree to act as Lead Municipality (as defined hereinabove) to join with and act on behalf of itself and the Municipal Group (as defined hereinabove) to apply for a SHARE Grant (as defined hereinabove) through the State of New Jersey Local SHARE Program for the amount of \$228,003.00, such SHARE Grant monies to be divided amongst the Lead Municipality and Municipal Group, to be used for the purpose of a feasibility study to promote shared services between local units for solid waste and recycling collections services; and

BE IT FURTHER RESOLVED, that the Township of Marlboro agrees to provide its pro rata share of the required local SHARE Grant matching funds by way of a cash contribution of \$3,448.00 as Marlboro's contribution to the feasibility study's cost; and

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

- a. The Municipal Group: The Clerks of the: City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, Village of Loch Arbour, City of Long Branch, Township of Manalapan, Borough of Matawan, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Red Bank, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Union Beach, Township of Wall, and the Borough of West Long Branch; and

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

The following Res. # 2009-153 (Requesting Bus Stop Route 79 - (northbound) Blossom (Southbound) Station Road) was introduced by reference, offered by Councilman Cantor by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-153

A RESOLUTION OF CONCURRENCE REGARDING THE ESTABLISHMENT OF  
BUS STOPS ALONG ROUTE NJ 79 AT BLOSSOM AVENUE AND STATION  
ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the New Jersey Department of Transportation, Traffic Engineering & Investigations has investigated and recommended that bus stop locations along Route NJ 79 at Blossom Avenue and Station Road be established; and

WHEREAS, the New Jersey Transit Department of Transportation, Traffic Engineering & Investigations has requested that the Township of Marlboro adopt a "Concurring Resolution" as to the establishment of bus stop locations along Route NJ 79 at Blossom Avenue and Station Road in the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Township Council of the Township of Marlboro desires that bus stop locations be established along Route NJ 79 at Blossom Avenue and Station Road, Township of Marlboro, Monmouth County, New Jersey, in accordance with the findings and recommendation of the New Jersey Transit Department of Transportation, Traffic Engineering & Investigations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that is hereby concurs with the findings and recommendations of the New Jersey Transit Department of Transportation, Traffic Engineering & Investigations that the following bus stop locations along Route NJ 79 in the Township of Marlboro, Monmouth County, New Jersey be established:

Bus Stop:

Along Route NJ 79 (northbound), easterly side:

Blossom Avenue - far side

Beginning at the northerly curb line of Blossom Avenue and extending 100 feet northerly therefrom.

Along Route NJ 79 (southbound), westerly side:

Station Road - far side

Beginning at the southerly curb line of Station Road and extending 100 feet southerly therefrom; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. New Jersey Div. of Transportation, Attn: Douglas R. Bartlett, Manager, Traffic engineering & Investigations, PO BOX 613, Trenton, NJ 08625-0613
2. Mayor Jonathan L. Hornik
3. Business Administrator
4. The Chief of the Police
5. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Councilman Cantor recused himself from Item #16 (Res. #2009-154 - Authorizing Contract EAP - Non-Police - Quantum) and Item #17 (Res. #2009-155 - Authorizing Contract EAP - Police - Quantum) and left the room.

The following Res. # 2009-154 (Authorizing Contract EAP - Non-Police - Quantum) was introduced by reference, offered by Councilwoman Marder by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-154

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN QUANTUM HEALTH SOLUTIONS AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL REFERRAL SERVICES THROUGH AN EMPLOYEE ASSISTANCE PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of psychological referral services through an Employee Assistance Program for employees of the

Township of Marlboro, such services to be rendered by Quantum Health Solutions (also referred to as 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 psychology in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will not exceed \$17,500.00; and

WHEREAS, funds are available in Account Number 9-01-100-288 and have been certified to by the Chief Financial Officer of the Township of Marlboro; 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.

WHEREAS, Quantum Health Solutions has submitted a proposal to the Township (the "Proposal") to provide the aforementioned professional services for a contractual amount of \$3,000.00 with Supervisor-Imposed mandated referrals included in such amount and for the following fees for additional services, if required:

Integrated Short-term Disability Management - \$95 per hour  
Mediation and Dispute Resolution - \$125 per hour  
Onsite Critical Incident Stress Mgt - \$125 per hour  
Substance Abuse Prof. Services - \$125 per hour  
Training & Health Enhancement Seminars - \$225 per hour; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Quantum Health

Solutions to provide the required professional services in accordance with the Proposal; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

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 Quantum Health Solutions to provide psychological referral services through an Employee Assistance Program for employees of 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 as follows: a contractual fee in the amount of \$3,000.00 with Supervisor-Imposed mandated referrals being included in such fee amount and for the following fees for additional services, if required:

Integrated Short-term Disability Management - \$95 per hour  
Mediation and Dispute Resolution - \$125 per hour  
Onsite Critical Incident Stress Mgt - \$125 per hour  
Substance Abuse Prof. Services - \$125 per hour  
Training & Health Enhancement Seminars - \$225 per hour; 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. Quantum Health Solutions
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-155 (Authorizing Contract EAP - Police - Quantum) was introduced by reference, offered by Councilwoman Tragni by Council Vice President LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-155

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN QUANTUM HEALTH SOLUTIONS AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL REFERRAL SERVICES THROUGH AN EMPLOYEE ASSISTANCE PROGRAM FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of psychological referral services through an Employee Assistance Program for the Township of Marlboro Police Department, such services to be rendered by Quantum Health Solutions (also referred to herein as 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 psychology in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will not exceed \$17,500.00; and

WHEREAS, funds are available in Account Number 9-01-106-286 and have been certified to by the Chief Financial Officer of the Township of Marlboro; 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.

WHEREAS, Quantum Health Solutions has submitted a proposal to the Township (the "Proposal") to provide the aforementioned professional services for a contractual amount of \$3,500.00 with Supervisor-Imposed mandated referrals included in such amount and for the following fees for additional services, if required:

Integrated Short-term Disability Management - \$95 per hour  
Mediation and Dispute Resolution - \$125 per hour  
Onsite Critical Incident Stress Mgt - \$125 per hour  
Substance Abuse Prof. Services - \$125 per hour  
Training & Health Enhancement Seminars - \$225 per hour; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Quantum Health Solutions to provide the required professional services in accordance with the Proposal; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

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 Quantum Health Solutions to provide psychological referral services through an Employee Assistance Program for the

Township of Marlboro Police Department 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 as follows: a contractual fee in the amount of \$3,500.00 with Supervisor-Imposed mandated referrals being included in such fee amount and for the following fees for additional services, if required:

Integrated Short-term Disability Management - \$95 per hour  
Mediation and Dispute Resolution - \$125 per hour  
Onsite Critical Incident Stress Mgt - \$125 per hour  
Substance Abuse Prof. Services - \$125 per hour  
Training & Health Enhancement Seminars - \$225 per hour; 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. Quantum Health Solutions
- b. Township Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-156 - Approving Grant Application and Agreement - NJDOT Highway Safety Fund Grant Program) was introduced by reference, offered by Councilwoman Marder seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-156

A RESOLUTION AUTHORIZING A GRANT APPLICATION AND EXECUTION  
OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FOR THE HIGHWAY SAFETY FUND GRANT  
FOR THE STATE HIGHWAY ROUTE 9 CORRIDOR,  
MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, the Township of Marlboro Police Department, Traffic and Safety Bureau, desires that the Township should apply to the New Jersey Department of Transportation for a Highway Safety Fund Grant in the amount of \$48,000.00 for enforcement and traffic safety purposes along the State Highway Route 9 Corridor in Marlboro Township, New Jersey; and

WHEREAS, the Township Council has determined that it would serve a public purpose to apply for such grant as being in the best interests of the public welfare and safety along the State Highway Route 9 corridor in Marlboro Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of the Township of Marlboro for grant funds in the amount of \$48,000.00 to fund enforcement and traffic safety initiatives along the State Highway Route 9 Corridor in Marlboro Township, New Jersey; and

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

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. New Jersey Department of Transportation
2. Mayor Jonathan L. Hornik
3. The Chief of the Police and Traffic Safety Bureau
5. Township Business Administrator.

Council President Rosenthal moved Item #24C up on the agenda. The following Res. #2009-166 (Appointing Interim Tax Collector - Ulrich Steinberg) was introduced by reference, offered by Councilman Cantor, seconded by Council President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-166

DESIGNATING ULRICH H. STEINBERG TO TEMPORARILY OVERSEE THE TOWNSHIP TAX COLLECTION OFFICE AND TO AUTHORIZE HIS SIGNATURE

WHEREAS, an operational vacancy exists in the Tax Collectors office in the position of Certified Tax Collector; and

WHEREAS, until the Township appoints an Acting Tax Collector or otherwise fills such vacancy, the Council must designate an individual to temporarily oversee the operations of the Tax Office and have the authority to sign in the absence of a Certified Tax Collector; and

WHEREAS, Ulrich H. Steinberg, Chief Financial Officer, has sufficient knowledge of the day to day duties of a Tax Collector to be able to oversee such operation until such time as an Acting Tax Collector is appointed by the Council or the aforementioned vacancy has been filled.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro that Ulrich H. Steinberg, Chief Financial Officer, is hereby designated to oversee the operation of the Tax Collection Office and granted the authority to sign documents as Interim Tax Collector until such time as the Council appoints an Acting Tax Collector or otherwise fills the aforementioned vacancy; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the Director of the Division of Local Government Services, in the Department of Community Affairs.

The following Res. #2009-157 (Award of Bid - Detention/Retention Basin Maintenance) was introduced by reference, offered by Council Vice President LaRocca, seconded by Council President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-157

A RESOLUTION AWARDING A CONTRACT TO ABOVE THE MARK  
LANDSCAPING LLC TO PROVIDE DETENTION/RETENTION  
BASIN MAINTENANCE SERVICE FOR THE TOWNSHIP OF  
MARLBORO DEPARMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the maintenance of detention/retention basins for the Township of Marlboro Department of Public Works (DPW) and on March 12, 2009, received five (5) bids therefor; and

WHEREAS, the five (5) bids received were as follows:

Contractor	Bid Price
Above the Mark Landscaping LLC	\$84,000.00 (Table I Amount) \$11,200.00 (Table II Amount)
Central Jersey Weed Man	\$118,900.00 (Table I Amount) \$16,700.00 (Table II Amount)
Pat Scanlan Landscaping, Inc.	\$134,086.00 (Table I Amount) \$21,580.00 (Table II Amount)
Marlboro Lawn & Landscaping, Inc.	\$144,400.00 (Table I Amount) \$9,100.00 (Table II Amount)
Shamrock Lawn & Landscape Inc.	\$146,430.00 (Table I Amount) \$12,832.00 (Table II Amount)

WHEREAS, the Township Administration and the Director of Public Works have reviewed the said bids received and recommended that same be awarded to Above the Mark Landscaping LLC as the lowest responsible bidder; and

WHEREAS, funds are available for this purpose in the 2009 municipal budget; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Above the Mark Landscaping LLC of Jamesburg, New Jersey to provide Detention/Retention maintenance service for the Township of Marlboro Department of Public Works (DPW) for a contract amount not to exceed \$84,000.00 for Table I Services and not to exceed \$11,200.00 for Table II Services; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Above the Mark Landscaping LLC of Jamesburg, New Jersey to provide Detention/Retention maintenance service for the Township of Marlboro Department of Public Works (DPW) for a contract amount not to exceed \$84,000.00 for Table I Services and not to exceed \$11,200.00 for Table II Services; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Above the Mark Landscaping LLC of Jamesburg, New Jersey to provide Detention/Retention maintenance service for the Township of Marlboro Department of Public Works (DPW) for a contract amount not to exceed \$84,000.00 for Table I Services and not to exceed \$11,200.00 for Table II Services; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for aforesaid contract in the amount of \$95,200 from the following Capital Account: T-16-58-856-806; and

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

- a. Above the Mark Landscaping LLC
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Director of Public Works
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-158 (Authorizing Developer Agreement Paragon Homes I, LLC Enclave at Glenbrook) was introduced by reference, offered by Council Vice President LaRocca, seconded by Council President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-158

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND PARAGON HOMES, I, LLC FOR FINAL MAJOR SUBDIVISION APPROVAL FOR THE DEVELOPMENT TO BE KNOWN AS "THE ENCLAVE AT GLENBROOK", LOCATED ON BLOCK 412, LOT 165, MARLBORO, NEW JERSEY

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution granting Final Major Subdivision Approval for the Development to be known as "The Enclave at Glenbrook", located on property known as Block 412, Lot 165 on the official tax map of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering into a Developer Agreement with the Township of Marlboro and the posting of the necessary performance guarantees; and

WHEREAS, a Developer Agreement has been prepared by the Township Attorney, the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, Paragon Homes, I, LLC, for Final Major Subdivision Approval for the development to be known as "The Enclave at Glenbrook" on the property known as Block 412, Lot 165 on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro.

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

- a. Paragon Home, I, LLC
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-159 (Authorizing Developer Agreement Onyx Venture, LLC Marlboro Tennis and Training Center) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilman Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-159

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT  
BETWEEN THE TOWNSHIP OF MARLBORO AND ONYX VENTURES, LLC  
FOR SITE PLAN APPROVAL FOR THE SITE TO BE KNOWN AS  
"THE MARLBORO TENNIS AND TRAINING CENTER", LOCATED ON  
BLOCK 178, LOT 291, MARLBORO, NEW JERSEY

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution granting Site Plan Approval for the site to be known as "The Marlboro Tennis and Training Center", located on property known as Block 178, Lot 291 on the official tax map of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering into a Developer Agreement with the Township of Marlboro and the posting of the necessary performance guarantees; and

WHEREAS, a Developer Agreement has been prepared by the Township Attorney, the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, Onyx Ventures, LLC, for Site Plan Approval for the site to be known as "The Marlboro Tennis and Training Center" on the property known as Block 178, Lot 291 on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. Onyx Ventures, LLC
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-160 (Setting Special Meeting - April 20, 2009 at 8:00 PM - Budget Introduction and other financial

business) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining. Councilman Cantor stated he would be unable to attend the scheduled meeting April 20<sup>th</sup>.

RESOLUTION # 2009-160

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on April 20, 2009 at 8:00 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to introduce the 2009 Municipal Budget and any other finance related business.

Action will be taken and Citizen's Voice will be limited to 15 minutes.

The following Res. #2009-162 (Authorizing Smart Growth Planning Assistance Grant) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-162

WHEREAS, the Township Council desires to apply for a Smart Growth Planning Assistance Grant from the Association of New Jersey Environmental Commissions, and

WHEREAS, the Township desires to apply for funds to help defray the costs to update the Township's Natural Resource Inventory (NRI) including new maps and revisions to the NRI Narrative that will incorporate new and otherwise updated data from other responsible agencies as well as generally review and reissue the NRI which was last updated in June 1991, and

WHEREAS, the Township has estimated the project to cost \$7,000.00 and understands that the ANJEC grant will require matching funds from the township, and

WHEREAS, the Township will request \$4,000 from ANJEC; will match \$1,500.00 in cash and \$1,500.00 in "in-kind" contributions, and

WHEREAS, the Environmental Commission has endorsed this project.

NOW THEREFORE BE IT RESOLVED, that the Township of Marlboro does hereby authorize the application of a Smart Growth Planning Assistance Grant from the Association of New Jersey Environmental Commissions, and

BE IT RESOLVED that the Township shall request \$4,000 from ANJEC, and

BE IT FURTHER RESOLVED that the Township will pay \$1,500.00 in matching cash funds and an additional \$1,500.00 in "in-kind" contributions, and

BE IT FINALLY RESOLVED that any such funds received from this application be utilized to fund revisions to the NRI—a much needed project.

The following Res. #2009-164 (Raffle License Marlboro Jewish Center) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-164

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 08-09 (Off Premise Merchandise) be and it is hereby granted to Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on June 14, 2009 at 8:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

The following Res. #2009-165 (Click it or Ticket Mobilization May 18-May 31) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-165

RESOLUTION SUPPORTING THE CLICK IT OR TICKET  
MOBILIZATION OF MAY 18 - MAY 31, 2009

WHEREAS, there were 592 motor vehicle fatalities in New Jersey in 2008; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by seat belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 18 - May 31, 2009 in an effort to raise awareness and increase SEAT belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91.75% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the Click it or Ticket seat belt mobilization both locally and nationally from May 18 - May 31, 2009 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

The following Res. #2009-167 (Joint Meeting Agreement Central Jersey Council on Governments) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-167

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO EXECUTE THE JOINT MEETING AGREEMENT FOR THE FORMATION AND OPERATION OF THE JOINT MEETING KNOWN AS THE CENTRAL JERSEY COUNCIL OF GOVERNMENTS

WHEREAS, in 2007, the State Legislature enacted the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., which seeks to encourage the financial accountability of local units of government through empowering citizens, reducing waste and duplicative services, and clearing legal hurdles to shared services; and

WHEREAS, The problem of high property taxes paid by New Jersey's residents is not easily solved, but can be ameliorated through government action designed to encourage efficiency through shared services; and

WHEREAS, Marlboro Township has hosted several "Shared Services Summits" which have consisted of meetings between local, county and statewide representatives looking for new way to save taxpayer money in each participant's respective community; and

WHEREAS, as a result of these "Share Services Summits" a consensus of government leaders has been reached indicating that it would be in the best interests of the participating government entities that a Joint Meeting, as that term is defined and described in N.J.S.A. 40A:65-14, et seq., be formed which shall be known as the "Central Jersey Council of Governments"; and

WHEREAS, the Joint Meeting known as the Central Jersey Council of Governments is a public body corporate and politic constituting a political subdivision of the State for the exercise of public and essential governmental functions to provide for the public health and welfare as provided in N.J.S.A. 40A:65-15; and

WHEREAS, the Township Council of the Township of Marlboro believes that it is in the best interest of the citizens and taxpayers of the Township of Marlboro to join the Joint Meeting known as the "Central Jersey Council of Governments"; and

WHEREAS, it has been requested that each government entity that joins the Central Jersey Council of Governments pay the sum of Three Hundred Dollars (\$300.00) to the Joint Meeting as an initial membership fee to join the Central Jersey Council of Governments.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey hereby authorizes the Mayor to execute the Joint Meeting Agreement for the formation of the public body corporate and politic known as the "Central Jersey Council of Governments" for the purpose of facilitating and promoting the joint operation of public services, public improvements, works, facilities, or undertakings as permitted by N.J.S.A. 40A:65-14; and

BE IT FURTHER RESOLVED, that Mayor Jonathan Hornik is hereby designated as the representative to the Management Committee of the Joint Meeting known as the Central Jersey Council of Governments and that he shall provide the Council with periodic updates of the activities and initiatives of the Central Jersey Council of Governments; and

BE IT FURTHER RESOLVED, that the Township is authorized to expend an amount not to exceed Three Hundred Dollars (\$300.00) payable to the Central Jersey Council of Governments.

BE IT FURTHER RESOLVED, that:

1. This Resolution shall be effective to the extent that it does not conflict with any applicable laws or regulations.
2. A certified copy of this Resolution shall be provided to each of the following:
  - a. Central Jersey Council of Governments
  - b. Mayor Jonathan Hornik
  - c. Township Administrator
  - d. Township Chief Financial Officer
  - e. Township Attorney

The following item was carried to the April 30<sup>th</sup> agenda: Item #25 (Tax Collector Resolutions).

At 10:20PM, Councilwoman Marder moved that the meeting go into executive session for reason of discussing personnel and contract negotiations. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session reconvened at 10:30PM.

RESOLUTION # 2009-163

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 2nd day of April, 2009 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely personnel and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:40PM, Council President Rosenthal moved that the meeting be opened. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: May 21, 2009

OFFERED BY: La Rocca

AYES: 4

SECONDED BY: Marder

NAYS: 0

ABSTAIN: Cantor

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ALIDA MANCO,  
MUNICIPAL CLERK

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STEVE ROSENTHAL,  
COUNCIL PRESIDENT