

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

APRIL 30, 2009

The Marlboro Township Council held its re-scheduled meeting on April 30, 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 rescheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on March 20, 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, Jonathan Williams, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

Councilman Cantor moved that the minutes of March 5 and 19, 2009 be approved. This motion was seconded by Councilwoman Tragni and the minutes were passed on a roll call vote of 5 - 0 in favor.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-2 (Amend Chapter 84 - Rezoning LC to R-80 to Implement Consent Order - B. 153, L. 75, 76, 84, 86, 87, 123, 125, 126). After the Public Hearing was held and closed, the following Res. # 2009-171/Ord. # 2009-2 (Amend Chapter 84 - Rezoning LC to R-80 to Implement Consent Order - B. 153, L. 75, 76, 84, 86, 87, 123, 125, 126) 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 # 2009-171

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

ORDINANCE # 2009-2 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP", OF CHAPTER 84, ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO IMPLEMENT A CONSENT ORDER AND RE-ZONE CERTAIN LANDS FROM THE LAND CONSERVATION DISTRICT TO THE R-80 RESIDENTIAL DISTRICT

which was introduced on March 19, 2009, public hearing held April 30, 2009, be adopted on second and final reading this 30th 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 # 2009-17 (Amend Chapter 117 - Recreation Fees - Mobile Stage Rental). After the Public Hearing was held and closed, the following Res. # 2009-172/Ord. # 2009-17 (Amend Chapter 117 - Recreation Fees - Mobile Stage Rental) 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 # 2009-172

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

which was introduced on April 2, 2009, public hearing held April 30, 2009, be adopted on second and final reading this 30th 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. # 2009-173/Ord. # 2009-18 (Creating and Establishing Chapter 54 entitled "Charitable Clothing Bins") was introduced by reference, offered by Councilwoman Marder and seconded by Council President Rosenthal. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-173

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

ORDINANCE # 2009-18

AN ORDINANCE CREATING AND ESTABLISHING A NEW
CHAPTER 54 ENTITLED "CHARITABLE CLOTHING BINS"
OF THE CODE OF THE TOWNSHIP OF MARLBORO TO GOVERN
THE PLACEMENT AND USE OF CHARITABLE CLOTHING BINS FOR
SOLICITATION IN THE TOWNSHIP OF MARLBORO PURSUANT TO STATE LAW

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 May 21, 2009 at 7:00 p.m. at the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-18

AN ORDINANCE CREATING AND ESTABLISHING A NEW
CHAPTER 54 ENTITLED "CHARITABLE CLOTHING BINS"
OF THE CODE OF THE TOWNSHIP OF MARLBORO TO GOVERN
THE PLACEMENT AND USE OF CHARITABLE CLOTHING BINS FOR
SOLICITATION IN THE TOWNSHIP OF MARLBORO PURSUANT TO STATE LAW

WHEREAS, the New Jersey State Legislature enacted N.J.S.A. 40:48-2.60 et seq., which regulates the placement and use of charitable clothing bins for solicitation purposes throughout the State of New Jersey; and

WHEREAS, the Township Council of the Township of Marlboro desires to amend the Township Code to incorporate the provisions of this statute so that the Township's local laws may be consistent with State law.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it hereby creates and establishes a new Chapter 54 entitled, Charitable Clothing Bins, of the Code of the Township of Marlboro, to govern the use and placement of charitable clothing bins for solicitation purposes within the Township of Marlboro, in accordance with the provisions of N.J.S.A. 40:48-2.60 et seq. as follows:

Chapter 54
CHARITABLE CLOTHING BINS

§54-1. Purpose.

The purpose of this Chapter is to set forth the rules and regulations governing the use and placement of charitable clothing bins for solicitation throughout the Township of Marlboro.

§54-2. Definitions.

BIN or CHARITABLE CLOTHING BIN- receptacle used to place clothing solicited for charitable purposes under this Chapter.

SOLICITATION OR SOLICIT - means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

§54-3. Placement and Use of Charitable Clothing Bins for Solicitation Purposes.

A. Permit Required. Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a charitable clothing bin, for solicitation purposes, unless a

permit, valid for a specified time, has been obtained from the Marlboro Township Police Traffic Safety Bureau.

B. Refusal of Permit. The Marlboro Township Police Traffic Safety Bureau shall not grant an application for a permit to place, use, or employ a charitable clothing bin if it determines that the placement of such bin may constitute a hazard to the public safety and welfare. Such hazards shall include, but not be limited to, the placement of a charitable clothing bin within 100 yards of any place which stores or sells large amounts of fuel or other flammable liquids or gases.

C. Permit Application. In applying for such a permit, the applicant shall provide:

(1) A description of the proposed location, as precise as may be practicable, of each charitable clothing bin and each bin location shall be the subject of a separate application; and

(2) The manner in which the applicant anticipates any clothing or other donations collected by the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent; and

(3) The name, street address (no Post Office Box numbers) and telephone number of the bona fide office of the applicant or any entity which may share or profit from any clothing or other donations collected by the bin may be contacted during normal business hours concerning the applicant or entity; and

(4) Written consent from the property owner to place the bin on his property.

§54-4. Charitable Clothing Bins; Display.

The following information shall be clearly and conspicuously displayed on the exterior of each charitable clothing bin:

A. The name and street address (no Post Office Box numbers) of the permittee and of any other entity which may share or profit from any clothing or other donations collected by the bin;

B. The telephone number at the permittee's bona fide office and, if applicable, the telephone number of the bona-fide office of any other entity which may share or profit from any clothing or other donations collected by the bin;

C. In cases where an entity other than the permittee owns the bin and may share or profit from any clothing or other donations collected by the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected by the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the permittee that owns the bin, and identifying all such entities which may share or profit from such donations; and

D. A statement, consistent with the information provided to the Marlboro Township Police Traffic Safety Bureau in the most recent permit or renewal application indicating the manner in which the permittee anticipates any clothing or other donations collected by the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

E. The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the charitable clothing bin, in addition to the other information required pursuant to this §54-4.

§54-5. Fees. A non-refundable fee of \$25.00 shall be charged per each application for a permit under this Chapter to offset the costs involved in enforcing the provisions of N.J.S.A. 40:48-2.60 et seq.

§54-6. Renewal Permit. An expiring permit for a charitable clothing bin may be renewed upon application for renewal and payment of any fee imposed by the Marlboro Township Police Traffic Safety Bureau for such renewal. However, no more than \$25.00 shall be charged for a permit regarding the same bin. Such renewal application shall include:

A. A description, as precise as may be practicable, of the proposed location of the charitable clothing bin, or, if the renewal applicant intends to move such bin, the new location where the bin shall be situated after the renewal is granted, together with written consent from the property owner to place the bin on his property during the renewal period.

B. The manner in which the renewal applicant has used, sold, or dispersed any clothing or other donations collected by the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the renewal applicant anticipates that it shall make in these processes during the period covered by the renewal.

C. The name, street address (no Post Office Box numbers) and telephone number of the renewal applicant's bona-fide office or of any entity which shared or profited from any clothing or other donations collected by the bin, and of any entities which may do so during the period covered by the renewal.

All renewal permittees shall abide by the provisions pursuant to §54-4 hereinabove.

§54-7. Offices of Applicant; related entities. The applicant and any other entity which may share or profit from any clothing or other donations collected by the bin, shall maintain a bona-fide office where a representative of the applicant or other entity, respectively, may be contacted during normal business hours for the purpose of offering information concerning the applicant or other entity. For the purposes of this Sub-Section, an answering machine or service unrelated to the applicant does not constitute a bona-fide office.

§54-8. Maintenance of Charitable Clothing Bins.

A. The applicant and any other entity which may share or profit from any clothing or other donations collected by a bin, shall maintain the bin and area surrounding the bin, so that such area remains clean, neat and free of debris, garbage, clothing and other items.

B. Any person found guilty of violating any provision of this Section 54-8 shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding ninety (90) days, or both, in the discretion of the municipal court. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§54-9. Receipt; Investigation of Complaints.

A. Any complaints received regarding any charitable clothing bin shall be reviewed and investigated by the Marlboro Township Police Traffic Safety Bureau within thirty (30) days of receipt. Whenever it appears to the Marlboro Township Police Traffic Safety Bureau that a person has engaged in, or is engaging in, any act or practice in violation of N.J.S.A. 40:48-2.61, the permittee shall be issued a warning, stating that if the violation is not rectified

or a hearing with the Marlboro Township Police Traffic Safety Bureau is not requested within forty-five (45) days, such charitable clothing bin shall be seized or removed at the expense of the permittee, and any clothing or other donations collected by the bin will be sold at public auction or otherwise disposed of in accordance with law. In addition to any other means used to notify the permittee who placed the bin, such warning shall be affixed to the exterior of the bin itself.

B. In the event that the permittee does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the Marlboro Township Police Traffic Safety Bureau may seize the said bin, remove it, or have it removed, at the expense of the permittee, and may sell at public auction or otherwise dispose of any clothing or other donations collected by such bin. Any proceeds from the sale of the donations collected by the bin shall be paid to Marlboro Township's Chief Financial Officer.

§54-10. Additional Penalties; Remedies.

A. In addition to any other penalties or remedies authorized by this Chapter and the laws of this State, any person who violates any provision of this Chapter which results in seizure of the charitable clothing bin shall be:

(1) subject to a penalty of up to \$20,000.00 for each such violation. The Marlboro Township Police Traffic Safety Bureau may bring this action in the municipal court or Superior Court as a summary proceeding under the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq., and any penalty monies collected shall be paid to the Marlboro Township Chief Financial Officer; and

(2) deemed ineligible to place, use, or employ a charitable clothing bin for solicitation purposes set forth herein. An applicant disqualified from placing, using, or employing a charitable clothing bin may apply to the Marlboro Township Police Traffic Safety Bureau to have that applicant's eligibility restored. The Marlboro Township Police Traffic Safety Bureau may restore the eligibility of an applicant who:

(a) acts within the public interest; and

(b) demonstrates that he made a good faith effort to comply with the provisions of this Chapter and all other applicable laws and regulations, or has no fraudulent intentions.

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 upon passage and publication in accordance with applicable law.

The following Res. # 2009-174/Ord. # 2009-19 (Authorizing Lease Agreement - Gordon's Corner Water Co. for Police Dept. Radio Equipment) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilman Cantor. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-174

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

ORDINANCE # 2009-19

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND GORDON'S CORNER WATER COMPANY TO INSTALL, OPERATE AND MAINTAIN THE MARLBORO TOWNSHIP POLICE DEPARTMENT'S RADIO RECEIVING EQUIPMENT AT PROPERTY OWNED AND OPERATED BY GORDON'S CORNER WATER COMPANY

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 May 21, 2009 at 7:00 p.m. at the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-19

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE
TOWNSHIP OF MARLBORO AND GORDON'S CORNER WATER COMPANY
TO INSTALL, OPERATE AND MAINTAIN THE MARLBORO
TOWNSHIP POLICE DEPARTMENT'S RADIO RECEIVING EQUIPMENT
AT PROPERTY OWNED AND OPERATED BY GORDON'S CORNER WATER COMPANY

WHEREAS, the Township of Marlboro ("Township") desires to install, maintain and operate its Police Department's Radio Receiving Equipment and appurtenances (collectively, the "Radio Equipment") at the water tower and equipment building located on property owned by Gordon's Corner Water Company and known as Block 362, Lot 4, Marlboro, New Jersey (the "Premises") for use by the Township Police Department and other Township emergency services in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro; and

WHEREAS, the owner and operator of the Premises, Gordon's Corner Water Company (the "Owner") has agreed to enter into a Lease Agreement with the Township for the installation, maintenance and operation of the Township's Radio Equipment for a term of twenty-five (25) years, with an option for two (2) additional renewal terms consisting of twenty-five (25) years each, for minimal compensation therefor; and

WHEREAS, the Township has determined that it would serve a public purpose for it to lease the Premises from the Owner for the purposes of installing, maintaining and operating the Township's Radio Equipment for the terms described hereinabove; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a), the Township is authorized to enter into a Lease Agreement with the Owner.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Lease Agreement between the Township of Marlboro and Gordon's Corner Water Company, the owner and operator of the Premises, known as Block 362, Lot 4, Marlboro, New Jersey for the installation, maintenance and operation of the Marlboro Township Police Department's Radio Receiving Equipment for a term twenty-five (25) years, with an option for two (2) additional renewal terms

consisting of twenty-five (25) years each, for minimal compensation therefor, be and is hereby authorized; and

BE IT FURTHER ORDAINED, that the Mayor and Clerk are hereby authorized to execute and witness, respectively, the Lease Agreement, a copy of which is on file in the Office of the Township Clerk; and

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 provision 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 upon passage and publication in accordance with applicable law.

The following Res. # 2009-175/Ord. # 2009-20 (Authorizing Lease Agreement - R.H. Ern & Sons For Police Dept. Radio Equipment) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President LaRocca. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-175

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

ORDINANCE # 2009-20

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND R.H. ERN & SONS TO INSTALL, OPERATE AND MAINTAIN THE MARLBORO TOWNSHIP POLICE DEPARTMENT'S RADIO RECEIVING EQUIPMENT AT PROPERTY OWNED AND OPERATED BY R.H. ERN & SONS

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 May 21, 2009 at 7:00 p.m. at the Greenbriar North Clubhouse, 21 Clubhouse Lane,, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-20

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND R.H. ERN & SONS TO INSTALL, OPERATE AND MAINTAIN THE MARLBORO TOWNSHIP POLICE DEPARTMENT'S RADIO RECEIVING EQUIPMENT AT PROPERTY OWNED AND OPERATED BY R.H. ERN & SONS

WHEREAS, the Township of Marlboro ("Township") desires to install, maintain and operate its Police Department's Radio Receiving Equipment and appurtenances (collectively, the "Radio Equipment") at the construction tower and equipment building located on property owned by R. H. Ern & Sons known as Block 114, Lot 8, Aberdeen, New Jersey (the "Premises") for use by the Township Police Department and other Township emergency services in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro; and

WHEREAS, the owner and operator of the Premises, R. H. Ern & Sons (the "Owner") has agreed to enter into a Lease Agreement with the Township for the installation, maintenance and operation of the Township's Radio Equipment for a term of twenty-five (25) years, with an option for two (2) additional renewal terms consisting of twenty-five (25) years each, for minimal compensation therefor; and

WHEREAS, the Township has determined that it would serve a public purpose for it to lease the Premises from the Owner for the purposes of installing, maintaining and operating the Township's Radio Equipment for the terms described hereinabove; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a), the Township is authorized to enter into a Lease Agreement with the Owner.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Lease Agreement between the Township of Marlboro and R. H. Ern & Sons, the owner and operator of the Premises located at the property known as Block 114, Lot 8, Aberdeen, New Jersey for the

installation, maintenance and operation of the Marlboro Township Police Department's Radio Receiving Equipment for a term twenty-five (25) years, with an option for two (2) additional renewal terms consisting of twenty-five (25) years each, for minimal compensation therefor, be and is hereby authorized; and

BE IT FURTHER ORDAINED, that the Mayor and Clerk are hereby authorized to execute and witness, respectively, the Lease Agreement, a copy of which is on file in the Office of the Township Clerk; and

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 provision 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 upon passage and publication in accordance with applicable law.

The following Res. # 2009-176 (Supporting Senate Bill - S-1622 Provides that deed restrictions on affordable housing units are not extinguished by foreclosure proceedings) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-176

A RESOLUTION SUPPORTING THE NEW JERSEY SENATE BILL
NO. S-1622 AND URGING THE PASSAGE OF SAME BY
THE NEW JERSEY LEGISLATURE AND
GOVERNOR JON S. CORZINE

WHEREAS, the Honorable Senator Ronald H. Rice on or about May 15, 2008 introduced Senate Bill No. S-1622 concerning affordability controls on Affordable Housing Units ("Affordable Housing Units") under the jurisdiction of the Council on Affordable Housing ("COAH") for adoption by the New Jersey Legislature; and

WHEREAS, Senate Bill No. S-1622 is currently pending before the New Jersey Legislature; and

WHEREAS, Senate Bill No. S-1622 is designed to safeguard the affordability controls for affordable housing units in the event of a foreclosure proceeding and the entrance of a judgment of foreclosure against an Affordable Housing Unit by: (1) prohibiting or greatly reducing a lender's ability to remove affordability controls from Affordable Housing Units; (2) in cases where properties may be removed as Affordable Housing Units, providing for procedures allowing State or municipal governments to keep such properties as Affordable Housing Units; (3) providing that deed restrictions recorded in connection with a property for which a credit against the fair share obligation was granted shall not expire, extinguish or be removed prior to the period of termination for such restriction, as a result of such property's sale through foreclosure proceedings by any creditor; (4) providing that the New Jersey Housing and Mortgage Finance Agency shall adopt or modify its regulations to provide that any housing unit financed in whole or part through the allocation of low-income tax credits by COAH shall have in place affordability controls that may not be extinguished prior to the stated period of termination for such controls, as a result of the sale of any unit through foreclosure proceedings by any creditor; and (5) providing that a thirty (30) day notice of intent to foreclose to be sent to the Clerk of a municipality wherein such affected Affordable Housing Unit is located; and

WHEREAS, throughout the State of New Jersey and the nation, there is economic strife and turmoil resulting in a great number of foreclosure filings, including filings against units designated as Affordable Housing Units under the provisions of COAH; and

WHEREAS, every municipality within the State of New Jersey has a constitutional obligation to provide its fair share of affordable housing; and

WHEREAS, considerable municipal resources are regularly spent to meet each municipality's constitutional obligation to provide affordable housing; and

WHEREAS, the Township Council of the Township of Marlboro finds that, in light of the tremendous resources that the Township of Marlboro has spent and will continue to spend to meet its affordable housing obligations, that an injustice would result if affordability controls pertaining to affordable housing under COAH's jurisdiction were terminated due to a foreclosure proceeding and the entrance of a judgment of foreclosure; and

WHEREAS, the Township Council of the Township of Marlboro finds that it is in the best interest of the residents of the Township of Marlboro, that Senate Bill S-1622 be adopted into law as soon as possible in order to prevent the loss of affordable housing under the jurisdiction of COAH.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro strongly urges the New Jersey State Legislature and Governor Jon S. Corzine to pass and adopt into law, Senate Bill No. S-1622, as soon possible to prevent the loss of affordable housing under the jurisdiction of COAH; and

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

- a. The Hon. Governor Jon Corzine
- b. The Hon. Senator Ronald J. Rice
- c. The Hon. Senator Jennifer Beck
- d. The Hon. Assemblywoman Caroline Casagrande
- e. The Hon. Assemblyman Declan O'Scanlon
- f. The New Jersey State League of Municipalities
- g. The Clerks of all Monmouth County Municipalities
- h. Mayor Jonathan L. Hornik
- i. Township Business Administrator
- j. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-177 (Appointing Negotiating Committee - COAH) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-177

A RESOLUTION OF THE TOWNSHIP OF MARLBORO APPOINTING
MEDIATION REPRESENTATIVES PURSUANT TO N.J.A.C. 5:96-8.1(C)

WHEREAS, Marlboro Township has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, N.J.A.C. 5:96-3.6 requires a 45-day period of public review of the petition and Housing Element and Fair Share Plan and all supporting documentation; and

WHEREAS, Thirteen (13) objections to Marlboro Township's Housing Element and Fair Share Plan were filed, consistent with N.J.A.C. 5:96-4.1(a); and

WHEREAS, N.J.A.C. 5:96-8.1 requires that COAH meet with representatives of the municipality and the objectors and attempt to mediate a resolution of the objections; and

WHEREAS, Marlboro Township is further required by N.J.A.C. 5:96-8.2(d)(2) to adopt a resolution designating representatives to act on its behalf concerning such mediation;

NOW, THEREFORE, BE IT RESOLVED, that the following persons shall constitute the representatives of Marlboro Township, and are authorized to act on its behalf and to attend, as deemed necessary and prudent, the mediation sessions:

1. Frank LaRocca, Council Vice President, Marlboro Township Town Council.
2. Larry Josephs, Chairman, Marlboro Township Planning Board.
3. Kenneth W. Biedzynski, COAH Special Counsel, Marlboro Township.
4. Susan S. Gruel and Fred Heyer, COAH Planners, Marlboro Township.

BE IT FURTHER RESOLVED, that these individuals are authorized to negotiate on behalf of Marlboro Township; and

BE IT FURTHER RESOLVED, that Frank LaRocca is authorized to execute any written agreement reached during the mediation sessions on behalf of Marlboro; and

BE IT FURTHER RESOLVED, that at any mediation session those representatives that are present shall collectively have full authority to act; and

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

- a. Hon. Mayor Jonathan L. Hornik
- b. Heyer & Gruel
- c. Kenneth W. Biedzynski, COAH Special Counsel
- d. DeCotiis, Fitzpatrick, Cole & Wisler, LLP
- e. Larry Josephs, Chairman, Marlboro Township Planning Board.

The following Res. # 2009-178 (Authorizing Sustainable Jersey Grant Application) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilman Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-178

A RESOLUTION AUTHORIZING A GRANT APPLICATION
FROM THE SUSTAINABLE JERSEY SMALL GRANTS PROGRAM

WHEREAS, the Sustainable Jersey program is the product of a coalition of New Jersey public and private organizations working to identify actions municipalities need take to become green and sustainable, and to develop guidance material and resources municipalities need to make progress in such areas; and

WHEREAS, in an effort to promote sustainability, education, and public/private partnerships, Wal-Mart Stores Inc. ("Wal-Mart"), the New Jersey League of Municipalities Education Foundation (the "NJLM"), and the NJLM Mayors' Committee for a Green Future (the "MCGF") have established the Sustainable Jersey Small Grants Program (the "Program"), which provides grants intended to support New Jersey municipalities that participate in the Sustainable Jersey Certification Program to institute greening and sustainability initiatives within their communities and to improve the quality of life for their residents; and

WHEREAS, the Program will award ten (10) \$10,000.00 grants and four (4) \$25,000.00 grants; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it would be in the best interests of the Township to apply for a Sustainable Jersey Smart Grant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that the Mayor and Township Clerk are hereby authorized to submit a grant application to the Sustainable New Jersey Small Grants Program for grant funds in the amount of \$10,000.00 to support the Township of Marlboro's efforts to institute greening and sustainability initiatives within the community, specifically, for use in the development of a Rain Garden and systems to utilize rain water run off to improve the quality of life for Township residents; 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. Sustainable Jersey
2. Mayor Jonathan L. Hornik
3. Township Business Administrator.
4. DeCotiis, FitzPatrick, Cole & Wisler, LLP
5. Patriot Consulting

The following Res. # 2009-179 (Authorizing Settlement Agreement Emerald Hills) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-179

A RESOLUTION AUTHORIZING SETTLEMENT AND PARTIAL RELEASE
BETWEEN THE TOWNSHIP OF MARLBORO, SERVICE INSURANCE
COMPANY, INC. AND BOND SAFEGUARD INSURANCE COMPANY
AS TO CLAIMS AGAINST BONDS ISSUED FOR THE DEVELOPMENT
KNOWN AS "EMERALD HILLS", MARLBORO, NEW JERSEY

WHEREAS, due to bankruptcy, Kara Homes, Inc., and its subsidiaries, developers of two projects within the Township of Marlboro, defaulted on their obligations to construct certain site improvements with respect to developments commonly known as Emerald Hills and Crine West; and

WHEREAS, the Township of Marlboro filed a Complaint in Superior Court against Bond Safeguard Insurance Company, surety for Kara Homes, Inc. and/or its subsidiaries, and Service Insurance Co., Inc., surety for Heartstone Properties, Inc., a prior developer of the Emerald Hills development, to collect on posted performance bonds; and

WHEREAS, settlement of all claims arising from the Emerald Hills portion of the litigation has been proposed as set forth in the attached "Settlement Agreement and Partial Release"; and

WHEREAS, the proposed settlement provides that Bond Safeguard Insurance Company shall pay to the Township the sum of \$65,825.62, representing the full penal sum of Bond Safeguard's bond on the Emerald Hills project; Service Insurance Co., Inc. shall pay to the Township the sum of \$40,000, representing settlement of the Township's claim against Service Insurance Co., Inc.'s bond; and the Township shall pay to Service Insurance Co., Inc. the sum of \$13,448.82, representing half of the cash performance security posted by Heartstone Properties, Inc. and held by the Township,

BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Mayor is hereby authorized to execute a Settlement Agreement and Partial Release (the "Settlement Agreement") between the Township of Marlboro, Service Insurance Company, Inc. and Bond Safeguard Insurance Company (the Parties") which has been approved by the Township Attorney, attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that pursuant to the Settlement Agreement, the Township of Marlboro shall, within fourteen (14) calendar days after execution of the Settlement Agreement and Partial Release by the Parties, or as soon thereafter as practicable given the Township's public meeting schedule and obligations under the Open Public Meetings Act, pay to Service Insurance Company, Inc., out of the cash bond being held by the Township for the Emerald Hills Project, the sum of Thirteen Thousand, Four Hundred Forty-Eight Dollars and 82/100 (\$13,448.82) in full and final settlement of all claims as to the claims against Bond No. 5020191 executed by Bond Safeguard for the benefit of the Township as obligee and claims against Bond No. 12120 executed by Safeguard Insurance company for the benefit of Marlboro as obligee for the development project known as Emerald Hills; and

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

- a. Service Insurance Company, Inc.
- b. Bond Safeguard Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Administrator
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-180 (Clearing and Restoration Bond Release Conover Hills) was introduced by reference, offered by

Council Vice President LaRocca and seconded by Council President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-180

RESOLUTION AUTHORIZING RELEASE OF THE RESTORATION BOND AND CLEARING BOND FOR CONOVER HILLS, INC., SECTIONS I AND II, BLOCK 160, LOTS 5, 6, & 10, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of a Restoration Bond (Bond No. S03743 in the amount of \$120,951.00) and a Clearing Bond (Bond No. S03744 in the amount of \$10,488.00) (sometimes referred to collectively hereinafter as the "Restoration Bonds") held by the Township for clearing and grading only for the Development known as Conover Hills - Section I and II, Block 160, Lots 5, 6 and 10, Marlboro, New Jersey posted by Conover Hills, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated April 20, 2009 regarding the request for the release of the Restoration Bonds as described hereinabove, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the Restoration Bonds being held by the Township may be released in their entirety; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Restoration Bonds.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Restoration Bond (Bond No. S03743 in the amount of \$120,951.00) and Clearing Bond (Bond No. S03744 in the amount of \$10,488.00) posted by Developer (as defined hereinabove) for clearing and grading only for the development known as Conover Hills - Section I and II, Block 160, Lots 5, 6 and 10, Marlboro, New Jersey, shall be released in their entirety; and

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

- a. Conover Hills, Inc.
- b. First Indemnity of America
- c. Mayor Jonathan L. Hornik

- d. Township Business Administrator
- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-181 (Authorizing Reimbursement for Sinkhole - 323 Wembley Place) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-181

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES
FOR THE REMEDIATION OF SINK HOLE HAZARDS FOR
323 WEMBLEY PLACE, MARLBORO, NEW JERSEY FROM FUNDS
APPROPRIATED FOR SUCH PURPOSES BY ORDINANCE #2004-23

WHEREAS, the Township of Marlboro, by Ordinance #2004-23, adopted on October 28, 2004, appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the "Subdivision"); and

WHEREAS, Ordinance #2004-23 specifies that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any subdivision lot; and

WHEREAS, Ordinance #2004-23 conditions the reimbursement of such funds upon the Township Chief Financial Officer's review and approval of such application for reimbursement; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated March 12, 2009, a copy of which is attached hereto and made a part hereof; and

WHEREAS, CME has reviewed the application for reimbursement of funds for the amount of \$4,000.00 from the owner of 323 Wembley Place, Block 142.01, Lot 13, Marlboro, New Jersey, for sink hole remediation, and, upon confirmation of the remediation and monies expended by the resident for same, recommends that such request for reimbursement be approved; and

WHEREAS, the Township Council now wishes to take the following action regarding the reimbursement of monies for remediation of sink hole hazards at the property known as Block 323 Wembley Place, Block 142.01, Lot 13, Marlboro, New Jersey.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the amount of \$4,000.00 from the Appropriated Funds (as defined hereinabove), be paid to the owner of 323 Wembley Place, Block 142.01, Lot 13, Marlboro, New Jersey, for the remediation of sink hole hazards at the subject property in accordance with the provisions of Ordinance #2004-23; and

BE IT FURTHER RESOLVED, that the reimbursement of such funds is conditioned upon the review and approval of the Chief Financial Officer of 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. Jennifer Woodruff
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-182 (Authorizing Fireworks Display St. Gabriel's Church) was introduced by reference, offered by Councilman Cantor and seconded by Council President Rosenthal and was passed on a roll call vote of 4 - 0 in favor with Council Vice President LaRocca abstaining.

RESOLUTION # 2009-182

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY
PERMIT TO ST. GABRIEL'S ROMAN CATHOLIC CHURCH

WHEREAS, N.J.S.A. 21:3-1, et seq. regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in

N.J.S.A. 21:3-1, et seq., and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, St. Gabriel's Roman Catholic Church ("St. Gabriel"), has applied for a permit to host a fireworks display as part of their annual carnival event on property owned by St. Gabriel's within the Township of Marlboro on May 29, 2009 (with a rain date of May 30, 2009), such fireworks display to be undertaken by St. Gabriel's operator, International Fireworks Mfg. Co., Inc., upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq. and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

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 does hereby grant approval to St. Gabriel's Roman Catholic Church to host a fireworks display on May 29, 2009 (with a rain date of May 30, 2009) for its annual carnival on property owned by St. Gabriel's within the Township of Marlboro, such fireworks display to be undertaken by St. Gabriel's operator, International Fireworks Mfg. Co., Inc. pursuant to N.J.S.A. 21:3-1, et seq., and more particularly N.J.S.A. 21:3-3, subject to the following terms and conditions:

1. Receipt of approval by the Chief of the Police and Fire Department in accordance with the terms set forth hereinabove;

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), pursuant to N.J.S.A. 21:3-4 in a form acceptable to the Township Attorney; and

3. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney; and

4. The execution of a Hold Harmless Agreement in a form acceptable to the Township Attorney; and

5. The presentation of St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc.'s Fire Safety Certificate (Rules); and

6. The presentation of St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc.'s drivers' Safety Documents; and

7. Proof of issuance by St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc., of its FAA Notification Letter; and

8. Proof from St. Gabriel's fireworks operator, International Fireworks Mfg. Co., Inc., of its Worker's Compensation and Employers Liability Policy; and

9. Receipt of a copy of the Fireworks Contract Agreement between St. Gabriel's and International Fireworks Mfg. Co., Inc.; and

10. Receipt of the Plot/Site Plan for the fireworks' display.

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

1. St. Gabriel's Roman Catholic Church
2. International Fireworks Mfg. Co., Inc.
3. The Chief of the Police and Fire Department.
4. The Fire Prevention Bureau.
5. Township Business Administrator.

Council Vice President LaRocca recused himself and left the room. The following Res. # 2009-183 (Approving one-year renewal - Recreation Summer Camp Fariello Bus Service, LLC d/b/a Greenwood Bus Co.) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2009-183

A RESOLUTION AWARDDING A RENEWAL CONTRACT TO FARIELLO BUS SERVICE, LLC D/B/A GREENWOOD BUS SERVICE TO PROVIDE SCHOOL BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT SUMMER CAMP FOR THE 2009 SUMMER SEASON

WHEREAS, by Resolution No. 2008-230, the Township of Marlboro awarded a contract to Fariello Bus Service, LLC d/b/a Greenwood Bus Service to provide School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp FOR THE 2008 Summer Season for the rates set forth hereinbelow as follows (the "Rates"):

Summer Camp Transportation:

Transportation cost per camper for three weeks:	\$165.00
Transportation cost per camper for six weeks:	\$270.00
Transportation cost per camper for five weeks:	\$225.00
Transportation cost per camper 7 th week only:	\$No Bid

In-State Bus Trips:

10 Mile Round Trip	\$140.00 per bus
20 Mile Round Trip	\$154.00 per bus
30 Mile Round Trip	\$161.00 per bus
40 Mile Round Trip	\$210.00 per bus
50 Mile Round Trip	\$224.00 per bus
60 Mile Round Trip	\$252.00 per bus
70 Mile Round Trip	\$280.00 per bus
80 Mile Round Trip	\$308.00 per bus
90 Mile Round Trip	\$371.00 per bus
100 Mile Round Trip	\$399.00 per bus

Daily Shuttle Service to Swimming Pools

(Estimated Distance - One way - Prices are Per Bus)

3.5 Mile Dugan School/Swim Facility Round Trip:	\$67.50
2.7 Mile Marlboro Elementary/Swim Facility Round Trip	\$67.50
3.6 Mile Recreation Center/Swim Facility Round Trip	\$72.00
3.6 Mile Municipal Complex Park Round Trip	\$72.00
6.1 Mile Robertsville/Swim Facility Round Trip	\$77.00
3.4 Mile Defino Central/Swim Facility Round Trip	\$75.00
6.1 Mile Asher Holmes/Swim Facility Round Trip	\$77.00
3.9 Mile Middle School/ Swim Facility Round Trip	\$75.00
7.7 Mile Memorial Middle/Swim Facility Round Trip	\$77.00

Travel Camp (per bus bid):

Amboy Roller Rink - South Amboy, New Jersey	\$250.00
Seven Presidents Beach - Long Branch, New Jersey	\$360.00
Aberdeen Movie Theater, Aberdeen, New Jersey	\$240.00
Belmar Beach - Belmar, New Jersey	\$380.00
Wall Sports Arena - Wall, New Jersey	\$380.00
Keansburg Amusement/Water Park - Keansburg, New Jersey	\$325.00
Sandy Hook Beach - Sandy Hook, New Jersey	\$350.00

WHEREAS, the 2008 Contract and Bid Documents incorporated therein for School Bus Transportation Services reserved the Township's option to renew any contract granted for such Bus Transportation Services for an additional one (1) year period upon the same terms and conditions as specified in the successful bidder's 2008 bid response; and

WHEREAS, the Mayor and Township Council have indicated their desire to exercise the Township's option to renew its contract with Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey to provide School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp for the Summer 2009 Season upon the same terms and conditions as specified in the successful bidder's 2008 bid response; and

WHEREAS, the funds which will be available to cover the costs associated with the award of this contract are contingent upon the collection of the required fees in the Recreation Trust; and therefore, the services and payments addressed in this bid are on an on-going basis not requiring certification of funds by the Township Chief Financial Officer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a renewal contract be awarded to Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey to provide School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp for the 2009 Summer Season for the Rates as defined and set forth hereinabove and upon the same terms and conditions as specified in the successful bidder's 2008 bid response; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a renewal contract with Fariello Bus Service, LLC d/b/a Greenwood Bus Service, 327 Greenwood Road, Matawan, New Jersey in a form to be approved by the Township Attorney, for the aforementioned services; and

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

- a. Fariello Bus Service, LLC d/b/a Greenwood Bus Service
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Director, Recreation and Parks Commission
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-184 (Authorizing Professional Services Contract - City Connections - Website) 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 # 2009-184

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND CITY CONNECTIONS FOR WEBSITE AND E-MAIL HOSTING SERVICES AND OTHER RELATED TECHNICAL SERVICES FOR THE TOWNSHIP OF MARLBORO WEBSITES

WHEREAS, the Township of Marlboro Administration Department requires services for the provision website and e-mail hosting and other related technical services, including development and maintenance, for the Township of Marlboro websites (collectively, the "Website Maintenance Services"); and

WHEREAS, City Connections submitted a proposal to provide the Website Maintenance Services for an amount not to exceed \$9,950.00; and

WHEREAS, the Administration Department has recommended that the Township Council authorize the execution of a contract between the Township of Marlboro and City Connections for the provision of the Website Maintenance Services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total of sum of \$17,500.00, such contract may be awarded by the governing body of the contracting unit without public advertising for bids therefor; and

WHEREAS, City Connections has completed and submitted a Business Entity Disclosure Certification certifying that City Connections 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 City Connections' Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c. 271.

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to enter into a contract with City Connections.

NOW, THERE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and City Connections for the provision of the Website Maintenance Services (as defined hereinabove) for an amount not to exceed \$9,950.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage; and

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

- a. City Connections
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-185 (Authorizing Professional Services Contract - Birdsall - Watershed Project) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-185

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH THE MARLBORO MULTI-WATERSHED RESTORATION/PROTECTION PROJECT WATERSHED SUMMIT AND THE

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION/NEW
JERSEY INFRASTRUCTURE TRUST APPLICATION FOR
DEEP RUN PROJECT PHASE I

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of engineering services for continuation of the Marlboro Multi-Watershed Restoration/Protection Project (the "Project") involving a response to the "Economic Recovery Program for 2009 Call for Projects" issued by the New Jersey Department of Environmental Protection ("NJDEP") and the New Jersey Environmental Infrastructure Trust ("NJEIT") of December 18, 2008 by: (1) submitting a project entitled, "Deep Run Project Phase I" to take advantage of funds being made available by these entities as part of the Federal Economic Recovery Package; and (2) undertaking various actions to reconstitute the Project; and

WHEREAS, such engineering services for the Project shall be rendered by Birdsell Engineering, Inc. (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 engineering 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 may exceed \$17,500.00 in the aggregate; and

WHEREAS, funds are available in Account Number X-04-55-962-907 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; and

WHEREAS, Birdsall Engineering, Inc. has submitted a proposal to the Township (the "Proposal") to provide the aforementioned professional services for the Project for a contractual lump sum amount not to exceed \$6,500.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional engineering services for the Project 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 Birdsall Engineering, Inc. to provide engineering services for the Project (as defined and described hereinabove) pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for total compensation in a lump sum amount not to exceed \$6,500.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for the said 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. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-187 (Authorizing Purchase Alarm Digital Receiver) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-187

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION
OF ONE (1) NEW ALARM DIGITAL RECEIVER AND RELATED
EQUIPMENT AND SOFTWARE FOR THE MARLBORO
TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for the purchase and installation of one (1) new Alarm Digital Receiver and related equipment and software; and

WHEREAS, the Police Department received the following estimates:

1. Roberts Electronics and Security Inc., Freehold, New Jersey - \$20,276.00
2. Heim Electronics, Inc., Brick, New Jersey - \$26,570.00

WHEREAS, the lowest estimate for the purchase of the aforementioned items is less than \$21,000.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to Roberts Electronics and Security Inc. for the purchase and installation of the aforementioned items; and

WHEREAS, funds are available in Capital Account Number X-04-55-959-944 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase and installation of one (1) new Alarm Digital Receiver and related equipment and software from Roberts Electronics and Security Inc., Freehold, New Jersey 07728 for the bid price in an amount not to exceed \$20,276.00; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Alarm Digital Receiver and related equipment and software from Roberts Electronics and Security Inc., Freehold, New Jersey 07728 for the bid price in an amount not to exceed \$20,276.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for aforesaid contract in the amount of \$20,276.00 from Capital Account Number X-04-959-944; and

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

- a. Roberts Electronics and Security Inc.
919 Highway 33, Suite 33
Freehold, NJ 07728
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-188 (Authorizing Award of Contract - Pool Chemicals) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-188

A RESOLUTION AWARDING A CONTRACT TO MIRACLE CHEMICAL COMPANY FOR THE PROVISION OF CALCIUM CHLORIDE FOR THE TOWNSHIP OF MARLBORO SWIM CLUB 2009 SWIM SEASON

WHEREAS, pursuant to N.J.S.A. 40A:11-3, when the cost or price of any contract in the aggregate does not exceed in a contract year the total of sum of \$17,500.00, such contract may be awarded by the governing body of the contracting unit without public advertising for bids therefor; and

WHEREAS, the Township of Marlboro Swim Club requires Calcium Chloride (the "Pool Chemicals") for the Marlboro Swim Club 2009 Swim Season; and

WHEREAS, the cost of such Pool Chemicals are as follows:

Miracle Chemical Company	Sodium Bicarbonate (50 lb. Bag)	\$17.50 (Cost per Bag)
	Sodium Hypo 15% 400 Gallons	\$1.83 (Cost Per Gallon)

TOTAL ESTIMATED AMOUNT: \$16,000.00; and

WHEREAS, the total estimated contract amount is under the bid threshold amount of \$17,500.00; and

WHEREAS, the Marlboro Swim Club Management has reviewed the estimated amounts for the Pool Chemicals and recommends that a contract be awarded to Miracle Chemical Co. of Farmingdale, New Jersey for a total estimated cost not to exceed \$16,000.00; and

WHEREAS, funds are available for this purpose in the 2009 Swim Club Operating Budget; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Miracle Chemical Co. of Farmingdale, New Jersey for a total estimated cost not to exceed \$16,000.00; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Miracle Chemical Co. of Farmingdale, New Jersey for a total estimated cost not to exceed \$16,000.00 to provide Pool Chemicals (as defined hereinabove) for the Township of Marlboro Recreation Swim Club for the 2009 Swim Season; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Miracle Chemical Co. of Farmingdale, New Jersey for a total estimated cost not to exceed \$16,000.00 to provide Pool Chemicals for the Township of Marlboro Recreation Swim Club for the 2009 Swim Season; 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 \$16,000.00 from the Swim Club Operating Budget; and

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

- a. Miracle Chemical Company
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Swim Club Manager
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Res. # 2009-189 (Award of Bid - T-shirts for Rec and Swim) was tabled to the agenda of May 21, 2009.

The following Res. # 2009-191 (Declaring Items Surplus - GovDeals on line auction) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-191

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

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

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

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

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

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

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

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated April 30, 2009 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A" shall be sold by auction on-line by govdeals.com; and
3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and
6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information, and which states the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale in the official newspaper of the Township of Marlboro as follows:

- a. An announcement of the auction and that the item(s) shall be sold on-line;
- b. the internet address for the sale being advertised;
- c. the date and time of the auction and a general description of the surplus personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required; and
- d. a statement that bidders must pre-register with the approved vendor and the internet address with registration information.

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

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

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

The following Res. # 2009-192 (Clarifying Deferred School Tax) was introduced by reference, offered by Council Vice President LaRocca and seconded by Council President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-192

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wish to provide clarification to the allocation of the deferred school tax acted upon in the Township of Marlboro Resolutions #2008-170, and #2009-150,

WHEREAS, it is not the intention of this governing body to affect the amount of the school tax deferred but only the allocation

of the total between the local district school and the regional high school, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to ratify and reaffirm the allocation of deferred school tax contained within the Resolutions #2008-170 and #2009-150 which affects the accrued balances as of December 31, 2007 and December 31, 2008;

	<u>From</u>	<u>To</u>	<u>2007 Increase</u>
Local District School	\$27,100,000.00	\$30,225,000.00	\$3,125,000.00
Regional High School	\$12,525,000.00	\$13,300,000.00	\$ 775,000.00
Total	\$39,625,000.00	\$43,525,000.00	\$3,900,000.00

	<u>From</u>	<u>To</u>	<u>2008 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. # 2009-193 (Ratifying CWA Agreement) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-193

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK
TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH
CWA LOCAL 1034, WHITE COLLAR/DISPATCHERS

WHEREAS, the Township and the Local 1034, White Collar/Dispatchers are the parties to a collective bargaining agreement whose current term is January 1, 2004 to December 31, 2007; and,

WHEREAS, the Township and the Local 1034 have engaged in negotiations for a successor agreement and have agreed upon the term of said agreement.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that the Mayor and Township Clerk are

hereby authorized to execute a successor Collective Bargaining Agreement, for a term of January 1, 2008 through December 31, 2009 with CWA Local 1034, White Collar/Dispatcher in accordance with the terms of the Memorandum of Agreement dated April 20, 2009, attached hereto; and

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

- a. Local 1034, White Collar/Dispatchers
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-194 (Authorizing Hold Harmless Agreement - Mon. County Mosquito Commission) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-194

A RESOLUTION AUTHORIZING EXECUTION OF A HOLD HARMLESS AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND THE MONMOUTH COUNTY
MOSQUITO EXTERMINATION COMMISSION FOR THE PROVISION OF MOSQUITO
CONTROL ACTIVITIES WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Mosquito Extermination Commission (the "Commission") assists in the maintenance of quality of life for the residents of Monmouth County which includes the reduction of potential mosquito breeding areas within Monmouth County; and

WHEREAS, the Commission is charged with the control of the breeding of mosquitoes within the County, including certain stream cleaning activities, de-silting and de-snagging of waterways and the removal of blockages which present a potential for mosquito breeding; and

WHEREAS, the Township of Marlboro has requested that the Commission perform mosquito control related activities within the Township consisting, among other actions, of the de-silting and de-snagging of a tributary to Yellow Brook and road-side ditches along the east and west sides of School Road East (collectively, the "Mosquito Control Program"); and

WHEREAS, in order to commence the Mosquito Control Program, it is necessary for the Township to enter into a Hold Harmless Agreement with the Commission, in a form substantially similar to that attached hereto; and

WHEREAS, the Township Council of the Township of Marlboro deems that it is in the best interests of the public health, safety and welfare to embark upon the Mosquito Control Program and desires to enter into such Hold Harmless Agreement with the Commission in order to commence the Mosquito Control Program.

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 Hold Harmless Agreement with the Monmouth County Mosquito Extermination Commission in a form substantially similar to that attached hereto, as required for the Mosquito Control Program (as defined and described hereinabove); and

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

- a. Monmouth County Mosquito Extermination Commission
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Township Director of Public Works
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-195 (Authorizing Professional Services Contract - Birdsall - Watershed Project) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-195

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES RELATED TO THE IMPLEMENTATION OF THE TIER A MUNICIPAL STORMWATER GENERAL PERMIT RENEWAL

WHEREAS, the Township of Marlboro is in need of professional engineering services related to the implementation of the Tier A Municipal Stormwater General Permit; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the above described services for a fee not exceed \$20,200.00 for the detailed scope of services set forth in CME's written proposal dated April 2, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, funds will be available for this purpose in the 2009 Municipal Budget; and

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

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; 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; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract amendment, in a form legally

acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the above described professional services in accordance with the Proposal (as defined hereinabove), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this professional services contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$20,200.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Capital Account Number X-04-55-955-801; and

BE IT FURTHER RESOLVED, notice of award of this contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates
1460 Route 9 South
Howell, NJ 07731
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Councilman Cantor asked to remove Res. #2009-201 (Reject and Rebid - Bus Transportation Travel Camp) from the consent agenda for additional information, Council Vice President LaRocca recused himself from voting on Res. #2009-199 (Raffle License Marlboro Township Pop Warner) and left the room for that resolution.

The following Res. # 2009-199 (Raffle License Marlboro Township Pop Warner) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Rosenthal and was passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2009-199

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 09-09 (On Premise 50/50) be and it is hereby granted to Marlboro Township Pop Warner, 1979 Township Drive, Marlboro, New Jersey 07746.

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

Sept. 6, 2009	9AM - 5 PM
Sept. 13, 2009	9AM - 5 PM
Sept. 27, 2009	9AM - 5 PM
Oct. 11, 2009	9AM - 5 PM
Oct. 18, 2009	9AM - 5 PM

at 1979 Township Drive, Marlboro, Marlboro, N. J. 07746.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor: Res. #2009-196 - Redemption Tax Sale Certs. - Various, Res. #2009-197 (Refunds to WMUA - Various), Res. #2009-198 (Refunds to MTMUA - Various), Res. #2009-200 (Tonnage Grant).

RESOLUTION # 2009-196

WHEREAS, Tax Sale Certificate #07-41 for Block 412 Lot 240, assessed to Rima Vulikh, located at 39 Kingfisher Court, has been redeemed in the amount of \$1,451.46,

WHEREAS, the holder of the above-mentioned tax sale certificate, Crusader Lien Services, is entitled to the amount of the sale plus interest and costs totaling \$1,451.46,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the amount of \$1,451.46 be refunded to the holder of said certificate as above.

RESOLUTION # 2009-197

WHEREAS, current sewer charges totaling \$857.28 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer

charges in the amount of \$857.28 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#08-1 31 Wicker Place	106/4	N. or D. Remick	\$521.08
TSC#08-55 11 Clayton Road	299/106	CCTS Tax Lien I	110.10
TSC#08-62 28 Witherspoon Way	359.01/19	CCTS Tax Lien I	111.11
TSC#08-64 Rodeo Drive	392/27.03	CCTS Tax Lien I	114.99 5
TOTAL:			\$ 857.28

RESOLUTION # 2009-198

WHEREAS, current water charges totaling \$508.86 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned water charges in the amount of \$508.86 be refunded to the Marlboro Township Municipal Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#08-13 Vassar Place	173/7 C0008	Plymouth Park Tax Services	\$210.79 8
TSC#08-14 1059 Roseberry Court	176/7 C1059	Fidelity Tax, LLC	124.89
TSC#08-57 212 Tracy Drive	305/93	Nasdom, LLC	173.18
TOTAL:			\$508.86

RESOLUTION # 2009-200

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The following #2009-201 (Reject and Rebid - Bus Transportation Travel Camp) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-201

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE FOR THE PROVISION OF COACH BUS TRANSPORT SERVICES FOR THE TOWNSHIP OF MARLBORO'S RECREATION DEPARTMENT TRAVEL CAMP AND AUTHORIZING RE-BID OF SAME

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of coach bus transport services for the Township of Marlboro's Recreation Department Travel Camp (the "Transport Services") and on April 21, 2009 received one (1) bid therefor; and

WHEREAS, the one (1) bid received was as follows:

Stout's Charter Service, Inc., 20 Irven Street,
Trenton, NJ 086381, for compensation as follows:

Per Bus Bid	Locations
\$ 996.00	The Quarry Swim Club, Hopewell, NJ
\$ 977.00	Rockville Climbing Center, Hamilton, NJ
\$ 968.00	Blackbeard's Cave, Bayville, NJ
\$1,051.00	Island Beach State Park Seaside Park, NJ
\$1,021.00	Funtown Pier Seaside Park, NJ
\$1,005.00	Jenkinson's Boardwalk, Point Pleasant, NJ
\$ 991.00	Great Adventure/Hurricane Harbor, Jackson, NJ (Extended Day 4:30 p.m.)
\$1,094.00	Bucks County River Country, Pointe Pleasant, PA (Extended day 8:00 a.m. - 4:30 p.m.)
\$ 996.00	Liberty Science Center, Jersey City, NJ (Extended day 4:00 p.m.)
\$1,048.00	Clementon Amusement Park & Splash World, Clementon, NJ (Extended day 4:00 p.m.)
\$1,125.00	Dorney Park & Wildwater Kingdom, Allentown, PA (Extended day 8:00 a.m. to 5:00 p.m.)
\$1,094.00	Philadelphia Zoo, Philadelphia, PA (Extended day 4:30 p.m.)
\$1,094.00	Mt. Creek Water Park, Vernon, NJ (Extended day 8:00 a.m. to 5:00 p.m.)

\$1,063.00	Adventure Aquarium, Camden, NJ (Extended day 3:30 p.m.)
\$ 984.00	Space Odyssey, Englewood, NJ; and
\$ 996.00	Pine Creek Miniature Golf, West Amwell, NJ
\$1,055.00	The Franklin Science Museum, Philadelphia, PA
\$ 894.00	Amboy Roller Rink - Long Branch, NJ (Rainy Day Only)
\$ 926.00	Seven Presidents Beach - Long Branch, NJ
\$ 894.00	Aberdeen Movie Theater, Aberdeen, NJ (Rainy Day Only)
\$ 920.00	Belmar Beach, Belmar, NJ
\$ 920.00	Wall Sports Arena, Wall, NJ
\$ 920.00	Keansburg Amusement/Water Park, Keansburg, NJ
\$ 970.00	Sandy Hook Beach, Sandy Hook, NJ
\$ 0	CANCELLATION FEE PER BUS (Percentage) (<24 Hours notice)
\$ 150.00	CANCELLATION FEE PER BUS (<5 Hours notice)

WHEREAS, the Township Administration and the Department of Recreation have reviewed the said bid received and recommended that same be rejected because the bid substantially exceeds the cost estimate for the Transport Services; and

WHEREAS, N.J.S.A. 40A:11-13.2(a) provides that a contracting unit may reject all bids that substantially exceed the cost estimates for the goods or services contemplated; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the aforesaid bid received from Stout's Charter Service, Inc. for the provision of the Transport Services (as defined hereinabove) for the Township of Marlboro's Recreation Department Travel Camp be and is hereby rejected because the said bid received substantially exceeds the cost estimate; and

BE IT FURTHER RESOLVED, BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s); and

BE IT FURTHER RESOLVED, that the Business Administrator be and is hereby authorized and directed to re-advertise for the receipt of bids for the Transport Services (as defined hereinabove) for the Township of Marlboro's Recreation Department Travel Camp pursuant to N.J.S.A. 40A:11-1 et seq.

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

- a. Stout's Charter Service, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Director, Recreation and Parks Commission
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following #2009-203 (Cancelling May 7, 2009 Council Meeting) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-203

BE IT RESOLVED by the Township Council of the Township of Marlboro that the regularly scheduled Council Meeting of May 7, 2009 is hereby cancelled.

At 10:20PM, Councilman Cantor moved that the meeting go into executive session for reason of discussing contract negotiations and labor contracts. This was seconded by Council Vice President LaRocca, 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 # 2009-202

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 30th 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, contract negotiations and labor contracts.

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 10 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, Councilwoman Marder moved that the meeting be opened. This was seconded by Council Vice President LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:41PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President LaRocca, 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

ALIDA MANCO,
MUNICIPAL CLERK

STEVE ROSENTHAL,
COUNCIL PRESIDENT