

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 21, 2009

The Marlboro Township Council held its regularly scheduled meeting of the Township Council of the Township of Marlboro on May 21, 2009 at 7:00 P.M. at the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey.

Council President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the change of location of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on May 4, 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.

Council Vice President LaRocca moved that the minutes of April 2, 20 and 30, 2009 be approved. This motion was seconded by Councilwoman Marder and the minutes were passed on a roll call vote of 4 - 0 in favor, with Councilman Cantor abstaining.

The following Res. # 2009-204/Ord. # 2009-18 (Creating and Establishing Chapter 54 entitled "Charitable Clothing Bins") was introduced by reference, offered by Councilwoman Marder and seconded by Councilman Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-204

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

which was introduced on April 30, 2009, public hearing held May 21, 2009, be adopted on second and final reading this 21st day of May, 2009.

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

The following Res. # 2009-205/Ord. # 2009-19 (Authorizing Lease Agreement - Gordon's Corner Water Co. for Police Dept. Radio Equipment) 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 # 2009-205

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

which was introduced on April 30, 2009, public hearing held May 21, 2009, be adopted on second and final reading this 21st day of May, 2009.

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

The following Res. # 2009-206/Ord. # 2009-20 (Authorizing Lease Agreement - R.H. Ern & Sons For Police Dept. Radio Equipment) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-206

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

which was introduced on April 30, 2009, public hearing held May 21, 2009, be adopted on second and final reading this 21st day of May, 2009.

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

Councilman Cantor recused himself and left the room for this ordinance. The following Res. # 2009-207/Ord. # Ord. # 2009-021 (Amend Chapter 132 - Discount for Volunteers Swim Facility) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-207

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

ORDINANCE # 2009-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "TOWNSHIP SWIM UTILITY,

MARLBORO SWIM CLUB AND MARLBORO AQUATIC SWIMMING POOL FACILITY, MUNICIPAL", ARTICLE I, "MARLBORO SWIM CLUB", SECTION 132-3, "MEMBERSHIP IN FACILITY" BY ESTABLISHING A NEW SUB-SECTION 132-3(K) ENTITLED "DISCOUNT MEMBERSHIPS", TO PROVIDE FOR DISCOUNTED MEMBERSHIPS FOR EVERY MEMBER IN GOOD STANDING OF A VOLUNTEER FIRE COMPANY OR VOLUNTEER FIRST AID SQUAD WHO IS PERFORMING VOLUNTEER SERVICE WITHIN THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on June 4, 2009* at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

*This was later changed to June 18, 2009.

ORDINANCE # 2009-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND MARLBORO AQUATIC SWIMMING POOL FACILITY, MUNICIPAL", ARTICLE I, "MARLBORO SWIM CLUB", SECTION 132-3, "MEMBERSHIP IN FACILITY" BY ESTABLISHING A NEW SUB-SECTION 132-3(K) ENTITLED "DISCOUNT MEMBERSHIPS", TO PROVIDE FOR DISCOUNTED MEMBERSHIPS FOR EVERY MEMBER IN GOOD STANDING OF A VOLUNTEER FIRE COMPANY OR VOLUNTEER FIRST AID SQUAD WHO IS PERFORMING VOLUNTEER SERVICE WITHIN THE TOWNSHIP OF MARLBORO

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 132 Swimming Pool Facility, Municipal, Article I, Marlboro Swim Club, Section 132-3, Membership in Facility, be and is hereby amended and supplemented to establish a new Sub-Section 132-3(K), Discount Memberships, to provide discounted memberships to every member in good standing of a volunteer fire company or volunteer first aid squad who is performing a volunteer service within the Township of Marlboro as follows:

§132-3(K) Discount Memberships. Every member in good standing of a volunteer fire company or volunteer first aid squad performing voluntary service within the Township of

Marlboro shall be entitled to the following discounted membership prices from the Marlboro Swim Club:

- (1) Family Memberships - \$150.00 discount.
- (2) Single Membership - \$50.00 discount.

The discount membership shall apply to volunteers in any volunteer fire company or volunteer first aid squad within the Township who are certified by the chief executive officer of their respective volunteer organization as members in good standing of said organization, having served a term of at least one (1) year.

Such certification shall be filed annually, not later than January 15, with the Township Clerk by the chief executive officer of each volunteer fire company or volunteer first aid squad. A new certification must be filed each year, and the certification from the preceding year shall be null and void.

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 only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

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.

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

The following Res. # 2009-208 (Authorizing Agreement Mon. County - SCAT) was introduced by reference, offered by Councilwoman Tragni seconded by Council President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-208

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF MONMOUTH, FOR SPECIAL CITIZENS AREA
TRANSPORTATION SYSTEM (SCAT) SERVICES TO ELIGIBLE PERSONS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Special Citizens Area Transportation System (hereinafter, "SCAT"); and

WHEREAS, the Township of Marlboro has requested that the County provide services to eligible residents and wishes to enter into a Shared Services Agreement with the County for the provision of transportation services to eligible residents of Marlboro Township for the year 2010; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

WHEREAS, the proposed shared services agreement for SCAT is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed shared services agreement in a form similar as that attached hereto for the provision of transportation services pursuant to the "Special Citizens Area Transportation System" ("SCAT") to eligible residents of Marlboro Township for the year 2010; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes; and

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Monmouth County
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolutions were offered by Councilman Cantor seconded by Council Vice President LaRocca and were passed on a roll call vote of 5 - 0 in favor:
Res. # 2009-209 (Professional Service Contract - CME - Stream Cleaning - B. 172, L. 32), Res. # 2009-210 (Professional Services Contract - CME - Stream Cleaning - B. 147, L. 36, 37 & 38), Res. # 2009-211 (Professional Services Contract - CME Stream Cleaning - B. 180, L. 4 & 6), Res. # 2009-212 (Professional Services Contract - CME Stream Cleaning - B. 180, L. 4 & 6) and Res. # 2009-213 (Professional Services Contract - CME Stream Cleaning - B. 253, L. 35, 36, 36.01 & 37)

RESOLUTION # 2009-209

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES RELATED TO STREAM CLEANING OF SEGMENTS OF THE DEEP RUN KNOWN AS BLOCK 172, LOT 32, MARLBORO NEW JERSEY AND THE SECURING OF A FRESHWATER WETLANDS PERMIT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro is in need of professional engineering services related to stream cleaning of segments of the Deep Run, known as Block 172, Lot 32, Marlboro, New Jersey and the securing of a Freshwater Wetlands Permit from the New Jersey Department of Environmental Protection (the "Professional Services"); and

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

Services for a fee not to exceed \$5,500.00 for the detailed scope of such additional Professional Services as further described and set forth in CME's written proposal dated May 7, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the contract will exceed \$17,500.00 in the aggregate; 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 additional 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 an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined

hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the 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 \$5,500.00 for such additional Professional Services described in the Proposal; 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 Amendment to the Professional Services Contract from Account Number X-04-55-943-801; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services 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

RESOLUTION # 2009-210

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES RELATED TO THE CLEANING OF SEGMENTS OF THE ROADSIDE DITCH ALONG SPRING VALLEY ROAD, ADJACENT TO BLOCK 147, LOTS 36, 37 and 38, MARLBORO NEW JERSEY AND THE SECURING OF A FRESHWATER WETLANDS PERMIT FOR STREAM CLEANING FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro is in need of professional engineering services related to the cleaning of segments of the roadside ditch along Spring Valley Road, adjacent to Block 147, Lots 36, 37 and 38, Marlboro, New Jersey and the securing of a Freshwater Wetlands Permit from the New Jersey Department of Environmental Protection (the "Professional Services"); and

WHEREAS, the Township requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; 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 Professional Services for a fee not to exceed \$5,500.00 for the detailed scope of such additional Professional Services as further described and set forth in CME's written proposal dated May 7, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the contract will exceed \$17,500.00 in the aggregate; 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 additional 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 an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the 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 \$5,500.00 for such additional Professional Services described in the Proposal; 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 Amendment to the Professional Services Contract from Account Number X-04-55-943-801; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services 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

RESOLUTION # 2009-211

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES RELATED TO STREAM CLEANING OF SEGMENTS OF A STREAM WITHIN BLOCK 180, LOTS 4 AND 6, MARLBORO NEW JERSEY AND THE SECURING OF A FRESHWATER WETLANDS PERMIT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro is in need of professional engineering services related to stream cleaning of a stream within Block 180, Lots 4 and 6, Marlboro, New Jersey and the securing of a Freshwater Wetlands Permit from the New Jersey Department of Environmental Protection (the "Professional Services"); and

WHEREAS, the Township requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; 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 Professional Services for a fee not to exceed \$5,500.00 for the detailed scope of such additional Professional Services as further described and set forth in CME's written proposal dated May 7, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the contract will exceed \$17,500.00 in the aggregate; 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 additional 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 an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the 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 \$5,500.00 for such additional Professional Services described in the Proposal; 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 Amendment to the Professional Services Contract from Account Number X-04-55-943-801; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be

available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services 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

RESOLUTION # 2009-212

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES RELATED TO STREAM CLEANING OF A STREAM WITHIN BLOCK 180, LOT 83.14 AND BLOCK 171, LOTS 27 AND 28, MARLBORO NEW JERSEY AND THE SECURING OF A FRESHWATER WETLANDS PERMIT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro is in need of professional engineering services related to stream cleaning of a segments of a stream within Block 180, Lot 83.14 and Block 171, Lots 27 and 28, Marlboro, New Jersey and the securing of a Freshwater Wetlands Permit from the New Jersey Department of Environmental Protection (the "Professional Services"); and

WHEREAS, the Township requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; 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 Professional Services for a fee not to exceed \$5,500.00 for the detailed scope of such additional Professional Services as further described and set forth in CME's written proposal dated May 7, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the contract will exceed \$17,500.00 in the aggregate; 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 additional 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 an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the 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 \$5,500.00 for such additional Professional Services described in the Proposal; 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 Amendment to the Professional Services Contract from Account Number X-04-55-943-801; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services 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

RESOLUTION # 2009-213

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES RELATED TO STREAM CLEANING OF SEGMENTS OF A STREAM WITHIN BLOCK 253, LOTS 35, 36, 36.01 AND 37, MARLBORO NEW JERSEY AND THE SECURING OF A FRESHWATER WETLANDS PERMIT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro is in need of professional engineering services related to stream cleaning of segments of a stream within Block 253, Lots 35, 36, 36.01 and 37, Marlboro, New Jersey and the securing of a Freshwater Wetlands Permit from the New Jersey Department of Environmental Protection (the "Professional Services"); and

WHEREAS, the Township requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; 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 Professional Services for a fee not to exceed \$5,500.00 for the detailed scope of such additional Professional Services as further described and set forth in CME's written proposal dated May 7, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the contract will exceed \$17,500.00 in the aggregate; 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 additional 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 an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined

hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the 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 \$5,500.00 for such additional Professional Services described in the Proposal; 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 Amendment to the Professional Services Contract from Account Number X-04-55-959-941; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services 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

Res. # 2009-214 (Authorizing Developer's Agreement - Marlboro 18 LLC c/o TMC Prop.) was removed from the agenda.

The following Res. # 2009-215 (Award of Bid - Replacement of Two Filters - Swim Club - Aquatic Service) 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 # 2009-215

A RESOLUTION AWARDING A CONTRACT TO AQUATIC SERVICE INC.,
TO PROVIDE AND INSTALL POOL FILTRATION EQUIPMENT
FOR THE TOWNSHIP OF MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision and installation of Pool Filtration Equipment for the Township of Marlboro Swim Club and on April 21, 2009 the Township received three (3) bids therefor; and

WHEREAS, the three (3) bids received were from the following bidders:

- | | | | |
|----|--|----------------------------|------------------------------|
| 1. | Aquatic Service Inc.
170 Burlington Avenue
Spotswood, NJ 08884 | Total:
Alternate Total: | \$98,676.00
\$80,359.00 |
| 2. | Deep Run Aquatic Services, Inc.
1823 Deep Run Road
Pipersville, PA 18947 | Total:
Alternate Total: | \$107,943.00
\$ 87,937.00 |
| 3. | Stoneridge, Inc.
835 Pennsylvania Blvd.
Feasterville, PA 19053 | Total:
Alternate Total: | \$166,600.00
\$146,600.00 |

WHEREAS, the Township Administration, and the Swim Club Management have reviewed the said bids received and recommended that same be awarded to Aquatic Service Inc. as the lowest responsible bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a contract to Aquatic Service Inc. of Spotswood, New Jersey to provide and install pool filtration equipment for the Township of Marlboro Swim Club, with work to begin after Labor Day, September 7th, 2009 and to be completed no later than December 31, 2009, for the Alternative Total Price of \$80,359.00, wherein the existing automatic backwash system is utilized to complete the project as described in the bid specifications; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Aquatic Service Inc., of Spotswood, New Jersey to provide and install pool filtration equipment for the Township of Marlboro Swim Club, with work to begin after Labor Day, September 7th, 2009 and to be completed no later than December

31, 2009, for the Alternative Total Price of \$80,359.00, wherein the existing automatic backwash system is utilized to complete the project as described in the bid specifications; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Aquatic Service Inc., of Spotswood, New Jersey to provide and install pool filtration equipment for the Township of Marlboro Swim Club for the Alternative Total Price of \$80,359.00; and

BE IT FURTHER RESOLVED that funds are available and have been certified to by the Chief Financial Officer and are available in Account No. 9-07-701-786 - \$50,000 and 9-07-700-731 - \$30,359; and

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

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

The following Res. # 2009-189 (Award of Bid - T-Shirts Rec & Swim) 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 # 2009-189

A RESOLUTION AWARDING A CONTRACT TO CAMPUS COORDINATES TO PROVIDE T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT AND SWIM CLUB

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of T-Shirts in Various Colors and Sizes for the Township of Marlboro Recreation Department and Swim Club and on March 31, 2009 the Township received two (2) bids therefor; and

WHEREAS, the two (2) bids received were from the following bidders:

1. Campus Coordinates
171 Ginesi Drive - Suite 1
Freehold, NJ 07728
2. Metuchen Center, Inc.
409 Joyce Kilmer Avenue - Unit 5B
New Brunswick, NJ 08901; and

WHEREAS, the Township Administration, Recreation Department and Swim Club Management have reviewed the said bids received and recommended that same be awarded to Campus Coordinates as the lowest responsible bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a contract to Campus Coordinates of Freehold, New Jersey to provide T-Shirts in Various Colors and Sizes for the Township of Marlboro Recreation Department and Swim Club for the prices as set forth in their bid response for various style T-Shirts.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Campus Coordinates of Freehold, New Jersey to provide T-Shirts in Various Colors and Sizes for the Township of Marlboro Recreation Department and Swim Club for the prices as set forth in their bid response for various style T-Shirts; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Campus Coordinates of Freehold, New Jersey to provide T-Shirts in Various Colors and Sizes for the Township of Marlboro Recreation Department and Swim Club for the prices as set forth in their bid response for various style T-Shirts; and

BE IT FURTHER RESOLVED that the funds which will be available to cover the costs associated with the awarding of this bid are contingent upon the collection of the required fees from the Recreation Trust as to T-Shirts provided for the Recreation Department, and that therefore, the payments addressed by this contract for T-Shirts provided to the Recreation Department shall be on an on-going basis and shall not require a certification of funds by the Township Chief Financial Officer; and

BE IT FURTHER RESOLVED that as to T-Shirts provided to the Swim Club, the Chief Financial Officer has executed a Certification of Funds for the this portion of the subject

contract, which is attached hereto, and that sufficient funds are available in an amount not to exceed \$14,000.00 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. Campus Coordinates
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Superintendent of Recreation
- f. Township Swim Club Manager
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-190 (Authorizing Contract - Marpal - Bulky Waste Disposal) 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 # 2009-190

A RESOLUTION AWARDING A RENEWAL CONTRACT TO REPUBLIC SERVICES OF NJ, LLC D/B/A MARPAL COMPANY FOR DISPOSAL OF TOWNSHIP TRANSPORTED TYPE 13 BULKY WASTE FOR THE TOWNSHIP OF MARLBORO'S DEPARTMENT OF PUBLIC WORKS (DPW) RECYCLING BUREAU

WHEREAS, by Resolution No. 2008-130, the Township of Marlboro awarded a one year contract to Republic Services of NJ, LLC d/b/a Marpal Company to provide disposal of Township Transported Type 13 Bulky Waste for the Township of Marlboro's Department of Public Works ("DPW") Recycling Bureau (the "Disposal Services") for the rates set forth as follows (the "Rates"):

Type 13 Bulky Waste Price Per Ton:	\$ 79.00
Price for 1,000 Tons:	\$79,000.00;

and

WHEREAS, the 2008 Contract and Bid Documents incorporated therein for Disposal Services reserved the Township's option to renew any contract granted for such Disposal 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 Republic Services of NJ, LLC d/b/a Marpal Company to provide disposal of Township Transported Type 13 Bulky Waste for the Township of Marlboro's Department of Public Works ("DPW") Recycling Bureau for an additional term from April 1, 2009 through March 31, 2010 upon the same terms and conditions as specified in the successful bidder's 2008 bid response; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a renewal contract be awarded to Republic Services of NJ, LLC d/b/a Marpal Company to provide disposal of Township Transported Type 13 Bulky Waste for the Township of Marlboro's Department of Public Works ("DPW") Recycling Bureau for an additional term from April 1, 2009 through March 31, 2010 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 Republic Services of NJ, LLC d/b/a Marpal Company in a form to be approved by the Township Attorney for the aforementioned Disposal Services; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$54,490 for 2009 will be made available for aforesaid Contract from Account 09-01-170-186, and the amount of \$27,060 for 2010 will be made available for aforesaid Contract from Account 10-01-170-286; and

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

- a. Republic Services of NJ, LLC d/b/a Marpal Company
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Director, Department of Public Works
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-216 (Temporary Emergency Appropriation) was introduced by reference, offered by

Councilwoman Marder seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-216

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

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

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

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2008 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$15,999,788.17 for the municipal budget and \$593,615.00 for the operations of the swim utility;

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

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

<u>Appropriations</u>	2008 Municipal Budget	2009 Temporary Emergency
Administration (30)		
Salary & Wages	160,000.00	80,000.00
Other Expenses	176,660.00	88,330.00

Office of the Mayor (10)		
Salary & Wages	65,000.00	32,500.00
Other Expenses	5,000.00	2,500.00
Ethics Commission		
Salary & Wages		
Other Expenses	2,500.00	1,250.00
Township Council (21)		
Salary & Wages	18,000.00	9,000.00
Other Expenses	3,500.00	1,750.00
Municipal Clerk (20)		
Salary & Wages	197,000.00	98,500.00
Other Expenses	67,200.00	33,600.00
Finance		
Salary & Wages	236,500.00	118,250.00
Other Expenses	26,500.00	13,250.00
Annual Audit	35,000.00	0.00
Central Computer Services		
Salary & Wages	32,500.00	16,250.00
Other Expenses	24,800.00	12,400.00
Tax Collector		
Salary & Wages	235,000.00	117,500.00
Other Expenses	29,250.00	17,500.00
Tax Assessor		
Salary & Wages	227,500.00	113,750.00
Other Expenses	87,100.00	43,550.00
Legal Services		
Other Expenses	400,000.00	200,000.00
Engineering Services		
Salary & Wages	305,000.00	152,500.00
Other Expenses	130,750.00	65,375.00
Economic Development		
Salary & Wages	2,000.00	1,000.00
Other Expenses	10,000.00	5,000.00

Grant Administration		
Salary & Wages		
Other Expenses	12,000.00	6,000.00
Cable Studio		
Salary & Wages		
Other Expenses	50,000.00	25,000.00
Inter- Governmental Relations		
Other Expenses	1,000.00	500.00
Homeland Security		
Salary & Wages	30,000.00	15,000.00
Other Expenses	54,500.00	27,250.00
Historic Sites Commission		
Other Expenses	3,000.00	1,500.00
Planning Board		
Salary & Wages	68,850.00	34,425.00
Other Expenses	40,500.00	25,350.00
Planning Board Contractual		
Other Expenses	31,400.00	15,700.00
Zoning Board		
Salary & Wages	174,000.00	87,000.00
Other Expenses	47,650.00	23,825.00
Liability Insurance	397,675.00	450,000.00
Workers Comp	525,000.00	600,000.00
Group Insurance	2,304,500.00	1,152,250.00
Unemployment Insurance		
Police		
Salary & Wages	8,440,000.00	4,220,000.00
Other Expenses	385,250.00	192,625.00
Crime Prevention		
Other Expenses	37,130.00	18,565.00
School Educational Programs		

Other Expenses	16,900.00	8,450.00
Highway Safety		
Other Expenses	33,000.00	16,500.00
Emergency Management		
Salary & Wages	23,000.00	11,500.00
Other Expenses	16,850.00	8,425.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	141,500.00	70,750.00
Other Expenses	15,050.00	7,525.00
Municipal Prosecutors Office		
Salary & Wages	34,000.00	17,000.00
Streets and Road Maint		
Salary & Wages	1,700,000.00	850,000.00
Other Expenses	45,790.00	22,895.00
Snow Removal		
Salary & Wages	50,000.00	25,000.00
Other Expenses	365,790.00	182,895.00
Public Works – Other		
Salary & Wages	377,000.00	188,500.00
Other Expenses	66,020.00	33,010.00
Shade Tree Commission		
Salary & Wages		
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	23,000.00	11,500.00
Other Expenses	700,528.00	350,264.00
Buildings & Grounds		
Salary & Wages	454,500.00	227,250.00
Other Expenses	212,140.00	106,070.00

Vehicle Maintenance		
Salary & Wages	440,000.00	220,000.00
Other Expenses	129,800.00	64,900.00
Community Services Act		
Other Expenses	94,700.00	47,350.00
Open space Committee		
Other Expenses	2,500.00	1,250.00
Public Health Services – Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,890.00	945.00
Drug Abuse Control		
Salary & Wages	4,000.00	2,000.00
Other Expenses	7,550.00	3,775.00
Environmental Health Services		
Salary & Wages	2,000.00	1,000.00
Other Expenses	8,000.00	4,000.00
Animal Control Services		
Other Expenses	52,000.00	26,000.00
Recreation		
Salary & Wages	487,500.00	243,750.00
Other Expenses	138,822.00	69,411.00
Teen Program		
Salary & Wages		
Other Expenses	20,000.00	10,000.00
Park Maintenance		
Salary & Wages	570,000.00	285,000.00
Other Expenses	44,680.00	22,340.00
Municipal Library		
Other Expenses	16,200.00	8,100.00
Prior Year Bills	15,500.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Deficit in Animal control	5,138.89	0.00

Postage		
Other Expenses	60,000.00	30,000.00
Electricity	394,000.00	197,000.00
Street Lighting	634,000.00	317,000.00
Telephone	150,000.00	75,000.00
Water	20,000.00	10,000.00
Natural Gas	95,000.00	47,500.00
Sewer	10,000.00	5,000.00
Gasoline	465,000.00	232,500.00
Landfill Disposal Costs	201,300.00	160,000.00
PERS	452,500.00	345,000.00
FICA	1,050,000.00	525,000.00
Contingent	10,000.00	0.00
Municipal Court		
Salary & Wages	350,000.00	175,000.00
Other Expenses	129,600.00	64,800.00
Public Defender		
Salary & Wages	17,000.00	8,500.00
Other Expenses		
Affordable Housing		
Salary & Wages	4,000.00	2,000.00
Other Expenses	4,300.00	2,150.00
Police Dispatch 911		
Salary & Wages	660,000.00	330,000.00
Other Expenses	248,000.00	124,000.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	1,710,000.00	920,000.00

SFSP Fire District Payments Other Expenses	14,229.00	7,114.50
Clean Communities Act	45,545.33	51,267.57
Monmouth Drug & Alcohol Grant Share	32,008.00	28,547.00
Local Share	8,002.00	7,136.00
Recycling tonnage Grant	25,100.67	40,370.49
NJDOT Union Hill Road	160,000.00	0.00
Child Passenger Safety		
Body Armor Grant	8,007.68	6,970.90
StormWater Grant	20,619.00	0.00
Pedestrian Safety Grant	12,496.00	0.00
Highway Safety Grant	47,000.00	0.00
2008 Green Communities Phase II Grant	0.00	3,000.00
Click It or Ticket Grant	0.00	4,000.00
Matching Funds for Grants	0.00	0.00
Smart Growth Grant		
Grant Share	50,000.00	0.00
Local Match	50,000.00	0.00
Alcohol Rehab Grant	2,086.08	1,124.46
Handicapped Rec Opportunities Grant		
Grant Share		2,100.00
Local Share		
Capital Improvement Fund Other Expenses	150,000.00	0.00
Acquisition of Rights of Way		

Bond Principal	1,798,000.00	391,000.00
Bond Anticipation Notes	41,175.00	41,175.00
Bond Interest	650,000.00	290,000.00
Note Interest	182,000.00	248,750.00
Green Acres Trust - P & I	28,865.00	14,432.25
Capital Lease program		
Principal	462,100.00	0.00
Interest	63,050.00	22,000.00
Emergency Authorizations	105,000.00	0.00
Deferred Charges		
Reserve for Uncollected Taxes	1,825,000.00	0.00
Totals	33,994,047.65	15,999,788.17
Swim Utility Appropriations		
Salary & Wages	421,500.00	210,750.00
Other Expenses	645,255.00	322,627.50
Capital Outlay	100,000.00	50,000.00
Payment of Bond Principal	10,000.00	10,000.00
Payment of Bond Anticipation Notes	0.00	
Payment of Bond Interest	1,300.00	237.50
Payment of Note Principal		
Public Employees Retirement System FICA		
Fund Totals	1,178,055.00	593,615.00

The following Res. # 2009-217 (Purchase on State Contract - Computer Equipment Police Dept.) 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 # 2008-217

A RESOLUTION AUTHORIZING THE PURCHASE OF COMPUTER
HARDWARE FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT
UNDER STATE CONTRACT # A-70256

WHEREAS, the Township of Marlboro Division of Police by memo dated May 13, 2009 has recommended that the Township purchase the following computer hardware from DELL under State Contract #A-70256 for the amount of \$31,796.45: 3 Domain Controllers; 1 File Server; 1 Email Server; 1 Virus Server/Tape Back-up sever; 1 Tape Back-Up Unit with Tapes; and Switches and Ancillary Devices (collectively, the "Computer Hardware"); and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide new and updated Computer Hardware to the Division of Police; and

WHEREAS, funds are available the following Account Numbers: (1) X-04-55-962-916 for the amount of \$20,268.39; (2) X-04-55-959-944 for the amount of \$10,138.50; and (3) X-04-55-962-917 for the amount of \$1,389.56 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the Computer Hardware (as described and defined hereinabove) from DELL under State Contract #A-70256 for the amount of \$31,796.45.

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

- a. DELL
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-218 (Professional Services Contract Birdsall - Station Road Improvements Phase I) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-218

A RESOLUTION AN AMENDMENT TO THE PROFESSIONAL SERVICES
CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE
TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING
SERVICES IN CONNECTION WITH THE STATION ROAD
IMPROVEMENTS, PHASE I

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of engineering services comprising the preparation of final plans and bid documents and the provision of construction consultation services in connection with the Station Road Improvements, Phase I (the "Professional Services"); and

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

WHEREAS, the Township of Marlboro and Birdsall Engineering, Inc. 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 Professional Services for a fee not to exceed \$3,450.00, such additional Professional Services being described and set forth in Birdsall's written proposal dated May 4, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof

WHEREAS, the value of the contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, funds are available in Account Number X-04-55-955-801 and have been certified to by the Chief Financial Officer of the Township of Marlboro; 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, Birdsall has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Engineering, Inc. 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 an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the 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 \$3,450.00 for such additional Professional Services described in the Proposal; 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 Amendment to the Professional Services Contract from Account Number X-04-55-955-801; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, that 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

As the consent agenda, the following Resolution was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor: Res. #2009-220 (Municipal Aid Grant Application - Texas Rd. Sidewalk Ext.), Res. #2009-221 (Municipal Aid Grant Application - Route 520 Sidewalk Ext. From Chase Drive to Crest Drive), Res. #2009-222 (Municipal Aid Grant Application - Vanderburg Road), Res. #2009-223 (Municipal Aid Grant Application - Union Hill Road), Res. #2009-224 (Combining Grant Monies 2007-2008 for Union Hill Road), Res. #2009-225 (Redemption Tax Sale Certs. - Various), Res. #2009-226 (Redemption Tax Sale Cert. B. 193.13, L. 120), Res. #2009-227 (Raffle License Michael Gerard Puharic Memorial Fund), Res. #2009-228 (Raffle License Jewish Family & Children's Service).

RESOLUTION # 2009-220

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE
A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION FOR THE TEXAS ROAD SIDEWALK
EXTENSION IMPROVEMENT PROJECT

WHEREAS, the Township Council of Marlboro Township desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Safe Streets to Transit Grant Program; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Marlboro Township formally approves the grant application for the above state project.

BE IT FURTHER RESOLVED that the Township Administration and Clerk are hereby authorized to submit an electronic grant application identified as the Texas Road Sidewalk Extension

Improvement Project to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION # 2009-221

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CR520 SIDEWALK EXTENSION IMPROVEMENT PROJECT FROM CHASE DRIVE TO CREST DRIVE

WHEREAS, the Township Council of Marlboro Township desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Safe Streets to Transit Grant Program; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Marlboro Township formally approves the grant application for the above state project.

BE IT FURTHER RESOLVED that the Township Administration and Clerk are hereby authorized to submit an electronic grant application identified as the CR520 Sidewalk Extension Improvement project from Chase Drive to Crest Drive to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION # 2009-222

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE VANDERBURG ROAD IMPROVEMENT PROJECT

WHEREAS, the Township Council of Marlboro Township desires to apply for funds through the Transportation Trust Fund Authority Act,

New Jersey Department of Transportation (NJDOT), Municipal Aid Program; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Marlboro Township formally approves the grant application for the above state project.

BE IT FURTHER RESOLVED that the Township Administration and Clerk are hereby authorized to submit an electronic grant application identified as the Vanderburg Road Improvement Project to the New Jersey Department of Transportation on behalf o the Township of Marlboro.

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

RESOLUTION # 2009-223

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A
GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE UNION HILL PHASE III IMPROVEMENT PROJECT

WHEREAS, the Township Council of Marlboro Township desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Municipal Aid Program; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Marlboro Township formally approves the grant application for the above state project.

BE IT FURTHER RESOLVED that the Township Administration and Clerk are hereby authorized to submit an electronic grant application identified as the Union Hill Phase III Improvement Project to the New Jersey Department of Transportation on behalf o the Township of Marlboro.

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

RESOLUTION # 2009-227

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 10-09 (Off Premise Merchandise) be and it is hereby granted to Michael Gerard Puharic Memorial Fund, Inc, P. O. Box 787, Matawan, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on July 25, 2009 at 3:00 PM at YMCA Camp Arrowhead, Route 520, Marlboro, N. J. 07746.

RESOLUTION # 2009-228

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-09 (Off Premise Merchandise) be and it is hereby granted to Jewish Family and Childrens Service of Greater Monmouth County, 705 Summerfield Avenue, Asbury Park, NJ 07712.

BE IT FURTHER RESOLVED that said Raffle will be held on October 8, 2009 at 9:00 PM at 103 School Road West, Marlboro, N. J. 07746.

The following Res. # 2009-231/Ord. # 2009-22 (CAP Bank Ordinance) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-231

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

ORDINANCE # 2009-22

CALENDAR YEAR 2009 ORDINANCE TO ESTABLISH A CAP BANK

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 June 4, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-22

CALENDAR YEAR 2009 ORDINANCE TO ESTABLISH A CAP BANK

WHEREAS, the Mayor and Council of the Township of Marlboro have introduced the 2009 Municipal Budget with a decrease of \$677,850.00 in the total IN CAP appropriations, and,

WHEREAS, the Mayor and Township Council of the Township of Marlboro do not wish to pass an ordinance increasing the allowable IN CAP appropriations to the 3.5% maximum as provided for in N.J.S.A. 40A: 4-45.15, but

WHEREAS, the Mayor and Township Council do wish to establish a CAP Bank for any unused 2009 IN CAP appropriations which remain unused,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Marlboro, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year that any amount of IN CAP appropriation which was allowable but unused during the 2009 budget process be hereby credited to the CAP bank.

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

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

The following Res. # 2009-232 (Tax Reimbursement Tonnage Grant) 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 # 2009-232

WHEREAS, The Recycling Enhancement Act, P.L. 2007, chapter 311, 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, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract award pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Township of Marlboro that the Township of Marlboro hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2008 in the amount of \$1,147.25. Documentation supporting this submission is available at 1979 Township Drive, Marlboro, New Jersey and shall be maintained for no less than five years from this date.

The following Res. # 2009-233 (Authorizing Escrow Agreement with Eclipse Indoor Sports, LLC) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-233

AUTHORIZING AN ESCROW AGREEMENT WITH ECLIPSE
INDOOR SPORTS, LLC

WHEREAS, the Township Council of the Township of Marlboro, on November 13, 2008 designated Block 180, Lot 14 as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the Township of Marlboro issued a "Request for Qualifications and Proposals for the Redevelopment of Certain Real Property Located in the Block 180, Lot 14 Redevelopment Area in the Township of Marlboro in Monmouth County" on January 9, 2009 pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and

WHEREAS, the Township received one proposal, from Eclipse Indoor Sports, LLC in compliance with the requirements of the Request for Qualifications

and Proposals, which was submitted prior to the February 24, 2009 deadline for submissions; and

WHEREAS, the proposal submitted by Eclipse Indoor Sports, LLC was reviewed by representatives of the Township of Marlboro through a Redevelopment Evaluation Committee who reviewed, evaluated and rated the proposal based on the quality and substance of the proposal; and

WHEREAS, the Redevelopment Evaluation Committee recommended that Eclipse Indoor Sports, LLC be designated as the "Successful Proposer" and as such, as the conditional redeveloper of a portion of the Block 180, Lot 14 Redevelopment Area; and

WHEREAS, on March 5, 2009 the Township Council authorized the Township Attorney to commence negotiations with Eclipse Indoor Sports, LLC, for a Redevelopment Agreement to design, construct, operate and maintain a modern, climate-controlled state-of-art indoor sports and recreation facility; and

WHEREAS, the Township Attorney has recommended that the Township enter into an Escrow Agreement with Eclipse Indoor Sports, LLC in a form substantially similar to the Escrow Agreement attached hereto for the purpose of reimbursing the Township for certain "Professional Costs" and "Other Professional Costs" as those terms are defined in the Escrow Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute the Escrow Agreement with Eclipse Indoor Sports, LLC.

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Township Chief Financial Officer

- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP
- e. Eclipse Indoor Sports, LLC

At 9:10PM, Councilwoman Marder moved that the meeting go into executive session for reason of discussing litigation (COAH). This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session reconvened at 9:30PM.

RESOLUTION # 2009-230

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 21st day of May, 2009 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, litigation.

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

At 10:00PM, Councilwoman Tragni moved that the meeting be opened. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:01PM, Councilman Cantor 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: June 18, 2009

OFFERED BY: Tragni AYES: 4

SECONDED BY: La Rocca NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

STEVE ROSENTHAL,
COUNCIL PRESIDENT