

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 4, 2009

The Marlboro Township Council held its regularly scheduled meeting on June 4, 2009 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

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

The Clerk called the Roll.

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

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

Council Vice President LaRocca motioned to postpone the Public Hearing on the 2009 Municipal Budget to June 18th. This was seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0, with Councilman Cantor abstaining (Absent: Marder).

The following Res. # 2009-247 (Setting Special Meeting for Budget Amendments - June 11, 2009 at 5 PM) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Tragni and was passed on a roll call vote of 3 - 0 in favor, with Councilman Cantor abstaining (Absent: Marder).

RESOLUTION # 2009-247

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on June 11, 2009 at 5:00 PM at the Marlboro Municipal Complex ,1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to amend the 2009 Municipal Budget. Citizen's Voice will be limited to 15 minutes.

Councilman Cantor recused himself from the dias and left the room.

Council President Rosenthal opened the Public Hearing on Ordinance Ord. #2009-021 (Amending Chapter 132 - Discount for Volunteers Swim Facility). Lynn Franco - 38 Ruby Drive - Marlboro Swim Club Chairwoman - announced the swim club had been open for two weeks and spoke in support of this Ordinance. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution # 2009-234/Ord. # 2009-021 (Amending Chapter 132 - Discount for Volunteers Swim Facility) was introduced by reference, offered by Councilwoman Tragni Council Vice President LaRocca, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Marder).

RESOLUTION # 2009-234

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

which was introduced on May 21, 2009, public hearing held June 4, 2009, be adopted on second and final reading this 4th day of June, 2009. *SEE BELOW

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

*Second Reading/Public Hearing and Adoption of this ordinance was reaffirmed at the June 18, 2009 meeting.

Council President Rosenthal opened the Public Hearing on Ordinance Ord. #2009-022 (CAP Bank Ordinance). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2009-235/Ord. # 2009-022 (CAP Bank Ordinance) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2009-235

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

which was introduced on May 21, 2009, public hearing held June 4, 2009, be adopted on second and final reading this 4th day of June, 2009.

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

The following Res. # 2009-236 (Renewal Liquor Licenses July 1, 2009 - June 30, 2010) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor (Absent: Marder).

RESOLUTION # 2009-236

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are

hereby renewed for the period beginning July 1, 2009 through June 30, 2010.

1.	S & A Route 79, Inc. T/A Crown Palace	1328 33 005 008
2.	Just Sports Bar & Grill, Inc.	1328 33 003 003
3.	I.R Restaurant Corp.	1328 33 007 004
4.	Anna Ulaskevich T/A Andiron Inn	1328 33 010 002
5.	M. S. D. Enterprise, Inc. T/A Martucci's Deli	1328 44 009 003
6.	Bella Vista Country Club	1328 33 004 004
7.	476 Route 520 Corp. T/A SamVera	1328 33 002 012
8.	Worthwhile, Inc. T/A Cambridge Spirits Unlimited	1328 44 016 002
9.	Briad Restaurant Group,L.L.C. T/A TGI Fridays	1328 33 017 002
10.	J.R.J. Hospitality Inc. T/A Nonna's	1328 33 015 012
11.	A.J.R. Restaurant Group T/A Damon's Grill	1328 33 018 012

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Res. # 2009-237 (Issuance of New Plenary Consumption License - Modern Star LLC) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman Cantor and was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2009-237

A RESOLUTION AUTHORIZING THE ISSUANCE OF A PLENARY
RETAIL CONSUMPTION LICENSE TO MODERN STAR LLC

WHEREAS, in accordance with the provisions of Resolution # 2008-251, the Township of Marlboro authorized the acceptance of bids for One (1) Plenary Retail Consumption License and on September 3, 2008 at 3:30 p.m. received one (1) bid therefor; and

WHEREAS, in accordance with the established procedures, the bid was opened on September 9, 2008 at 3:30 p.m., at which time the one bid was publicly announced as follows:

Igor Maller, 15 Hemingway Court, Morganville,
New Jersey 07751, for the amount of \$710,000.00; and

WHEREAS, the Township Administration reviewed the said bid received and recommended that same be awarded to Igor Maller as the ostensible highest qualified bidder; and

WHEREAS, Igor Maller subsequently formed a New Jersey limited liability company with the name of Modern Star LLC, of which Igor Maller is the sole member, for the purpose of holding such Plenary Retail Consumption License; and

WHEREAS, Modern Star LLC prepared the required amended pages to the plenary retail consumption license application to reflect that Modern Star LLC will be the owner of such license; and

WHEREAS by Resolution # 2008-326, the Township Council awarded a plenary retail consumption license to Modern Star, LLC of Morganville, New Jersey, subject to the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" by November 24, 2008. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq*; and

WHEREAS, Modern Star LLC has satisfactorily fulfilled all of the above terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the issuance of a plenary retail consumption license to Modern Star LLC be and is hereby authorized and approved for the license year commencing July 1, 2009; and

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

- a. Modern Star LLC
- b. State of New Jersey Bureau of Alcoholic Beverage Control
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-238 (Award of Bid - Coach Bus Transportation Teen Summer Camp) 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 (Absent: Marder).

RESOLUTION # 2009-238

A RESOLUTION AWARDING A CONTRACT TO SUBURBAN TRANSIT CORP
TO PROVIDE COACH BUS TRANSPORTATION SERVICES FOR THE
TOWNSHIP OF MARLBORO RECREATION DEPARTMENT TRAVEL CAMP

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp, and on May 19, 2009, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

(1) Suburban Transit Corp:

Per Bus Bid	Locations
\$ 734.00	The Quarry Swim Club, Hopewell, NJ
\$ 734.00	Rockville Climbing Center, Hamilton, NJ

\$ 734.00	Blackbeard's Cave, Bayville, NJ
\$ 734.00	Island Beach State Park Seaside Park, NJ
\$ 734.00	Funtown Pier Seaside Park, NJ
\$ 734.00	Jenkinson's Boardwalk, Point Pleasant, NJ
\$ 784.00	Great Adventure/Hurricane Harbor, Jackson, NJ (Extended Day 4:30 p.m.)
\$ 894.00	Bucks County River Country, Point Pleasant, PA (Extended day 8:00 a.m. - 4:30 p.m.)
\$ 734.00	Liberty Science Center, Jersey City, NJ (Extended day 4:00 p.m.)
\$ 854.00	Clementon Amusement Park & Splash World, Clementon, NJ (Extended day 4:00 p.m.)
\$ 894.00	Dorney Park & Wildwater Kingdom, Allentown, PA (Extended day 8:00 a.m. to 5:00 p.m.)
\$ 854.00	Philadelphia Zoo, Philadelphia, PA (Extended day 4:30 p.m.)
\$ 894.00	Mt. Creek Water Park, Vernon, NJ (Extended day 8:00 a.m. to 5:00 p.m.)
\$ 854.00	Adventure Aquarium, Camden, NJ (Extended day 3:30 p.m.)
\$ 734.00	Space Odyssey, Englewood, NJ
\$ 734.00	Pine Creek Miniature Golf, West Amwell, NJ
\$ 854.00	The Franklin Science Museum, Philadelphia, PA
\$ 694.00	Amboy Roller Rink - Long Branch, NJ (Rainy Day Only)
\$ 734.00	Seven Presidents Beach - Long Branch, NJ
\$ 734.00	Aberdeen Movie Theater, Aberdeen, NJ (Rainy Day Only)
\$ 734.00	Belmar Beach, Belmar, NJ
\$ 734.00	Wall Sports Arena, Wall, NJ
\$ 734.00	Keansburg Amusement/Water Park, Keansburg, NJ
\$ 734.00	Sandy Hook Beach, Sandy Hook, NJ
\$18,586.00	TOTAL
\$ 200.00	CANCELLATION FEE PER BUS (<24 Hours notice); and
\$ 400.00	CANCELLATION FEE PER BUS (<5 Hours notice)

(2) Stout's Charter Service:

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, Point 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
\$ 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
\$24,002.00	TOTAL
\$ 0	CANCELLATION FEE PER BUS (<24 Hours notice); and
\$ 150.00	CANCELLATION FEE PER BUS (<5 Hours notice)

WHEREAS, the Township Administration and the Department of Recreation have reviewed the said bids received and recommend that same be awarded to Suburban Transit Corp. as the lowest responsible bidder; and

WHEREAS, the funds which available for this contract are contingent upon the collection of the required fees in the Recreation Trust; 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; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Suburban Transit Corp. of New Brunswick, New Jersey

to provide Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Suburban Transit Corp of New Brunswick, New Jersey to provide Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp for the bid prices as set forth hereinabove; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Suburban Transit Corp. for Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp for the bid prices as set forth hereinabove; and

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

- a. Suburban Transit Corp.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Director, Recreation and Parks Commission
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-239 (Professional Services Contract CME - 911 Memorial) was introduced by reference, offered by Council President Rosenthal and seconded by Council Vice President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder). Council President Rosenthal explained.

RESOLUTION # 2009-239

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING AND
LANDSCAPE ARCHITECTURAL SERVICES REGARDING
THE RE-CONSTRUCTION OF THE REFLECTIONS MEMORIAL AREA,
MARLBORO TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro is in need of professional engineering and landscape architectural services for the re-construction of the Reflections Memorial area in the Township of Marlboro, Monmouth County, New Jersey (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-20.5 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 \$12,500.00 for the detailed scope of such additional Professional Services as further described and set forth in CME's written proposal dated May 13, 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 \$12,500.00 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

The following Res. # 2009-240 (Authorizing Indemnification & Hold Harmless Agreement FRHSD - Project Prom) 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 (Absent: Marder).

RESOLUTION # 2009-240

A RESOLUTION AUTHORIZING THE EXECUTION OF AN
INDEMNIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN THE

TOWNSHIP OF MARLBORO AND THE FREEHOLD REGIONAL HIGH SCHOOL
DISTRICT FOR THE 2009 PROJECT PROM

WHEREAS, the Freehold Regional High School District requested that the Marlboro Township Police Department present an educational demonstration regarding health and safety concerns in connection with driving while intoxicated, known as "Project Prom"; and

WHEREAS, the Township of Marlboro has agreed to present "Project Prom", which will take place at the Freehold Regional High School District property known as Block 225, Lot 199, also known as the "Marlboro High School; and

WHEREAS, the Township desires that the Freehold Regional High School District enter into an Indemnification and Hold Harmless Agreement with the Township, in a form substantially similar to that attached hereto, which shall indemnify and hold the Township harmless from any claims, damages or losses related to the presentation of Project Prom; and

WHEREAS, the Township Council has deemed it necessary and in the best interests of the public safety of the municipality to present "Project Prom".

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Indemnification and Hold Harmless Agreement in a form similar to that attached hereto for "Project Prom", as described hereinabove; and

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

- a. Freehold Regional High School District
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-241 (Consenting to Conveyance of Lease from Omnipoint to T-Mobile) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Tragni and was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2009-241

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSENT TO AN INTERNAL CONVEYANCE OF THE LEASE BETWEEN THE TOWNSHIP OF MARLBORO AND OMNIPOINT COMMUNICATIONS, INC. TO T-MOBILE

WHEREAS, in November of 1999 the Township of Marlboro entered into a Land Lease Agreement with Omnipoint Communications, Inc. authorizing the construction and operation of a telecommunications monopole by Omnipoint Communications, Inc. ("Lease Agreement"); and

WHEREAS, Omnipoint Communications, Inc. has been subsumed within T-Mobile; and

WHEREAS, T-Mobile is combining its subsidiary companies under the auspices of T-Mobile; and

WHEREAS, T-Mobile has requested that the Township of Marlboro sign a "consent to an internal conveyance of the Lease Agreement from Omnipoint Communications, Inc. to T-Mobile; and

WHEREAS, the Township Council is agreeable to consenting to such internal conveyance of the Lease Agreement from Communications, Inc. to T-Mobile.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said consent of the internal conveyance of the Lease Agreement (as defined and described hereinabove) from Omnipoint Communications, Inc. to T-Mobile, such consent to be in a form similar to that attached hereto; and

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

- a. T-Mobile
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolution was introduced by reference, offered by Council Vice President LaRocca, seconded by Council President Rosenthal and passed on a roll

call vote of 4 - 0 in favor (Absent: Marder): Res. #2009-242 (Recreation Fireworks Display Permit), Res. #2009-243 (Raffle License St. Gabriel's Church Off-Premise 50/50) and Res. #2009-246 (Raffle License Marlboro Baseball Travel Club).

RESOLUTION # 2009-242

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO PYRO ENGINEERING, INC., D/B/A BAY FIREWORKS

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, Pyro Engineering, Inc., doing business as Bay Fireworks ("Pyro"), has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 12, 2009 (with a rain date of July 26, 2009) 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 Pyro to conduct a fireworks display on July 12, 2009 (with a rain date of July 26, 2009) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief of the Police and Fire Department in accordance with the above;

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), N.J.S.A. 21:3-5; and

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

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

1. Pyro Engineering, Inc.
2. Mayor Jonathan L. Hornik
3. The Chief of the Police and Fire Department.
4. The Fire Prevention Bureau.
5. Township Business Administrator.
6. DeCotiis, FitzPatrick, Cole & Wisler, LLP

RESOLUTION # 2009-243

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 13-09 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's Church, 100 North Main Street, Marlboro, New Jersey 07748.

BE IT FURTHER RESOLVED that said Raffle will be held on November 29, 2009 at 1:00 PM at 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2009-246

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 12-09 (Off Premise Merchandise) be and it is hereby granted to Marlboro Baseball Travel Club, Inc.

BE IT FURTHER RESOLVED that said Raffle will be held on August 2, 2009 at 10:00 AM - 4:00 PM at the Marlboro Little League, 66 Tennent Road, Morganville, NJ 07751.

The following Res. # 2009-245 (Authorizing Agreement Monmouth County Fixed Route Public Bus Transportation 7/1/09 - 6/30/2010) was introduced by reference, offered by Council President Rosenthal and seconded by Councilman Cantor and was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2009-245

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH FOR FIXED ROUTE PUBLIC BUS TRANSPORTATION WITHIN THE TOWNSHIP OF MARLBORO THROUGH JUNE 30, 2010 PURSUANT TO N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established fixed route public bus transportation within the Township of Marlboro through June 30, 2010; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County for the provision of the aforesaid transportation services to residents of Marlboro Township; and

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq. authorizes local units (as defined in said Act), to enter into joint agreements for the provision of governmental services, including the transportation services contemplated herein by adoption of a resolution therefor; and

WHEREAS, the proposed Shared Services Agreement for the provision of such transportation services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b);

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement with the County of Monmouth for the provision of fixed route public bus transportation within the Township of Marlboro through June 30, 2010; and

BE IT FURTHER RESOLVED, that, pursuant to the Shared Services Act, N.J.S.A. 40A:65-1, et seq., such Agreement shall be filed with and open to the public for inspection at the offices of the Town Clerk, and such Agreement shall take effect upon the adoption of appropriate resolutions by all parties thereto; and

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

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

