

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 10, 2009

The Marlboro Township Council held its re-scheduled meeting on September 10, 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 re-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 July 20, 2009; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building posted on the Marlboro Township Website, and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

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

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

Councilwoman Marder moved that the minutes of August 6, 2009 be approved. This motion was seconded by Council Vice President LaRocca and the minutes were passed on a roll call vote of 3 - 1 in favor with Councilwoman Tragni abstaining (Absent: Cantor).

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-27 (Amend Chapter 10 - Deleting Article II). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-315/Ord. # 2009-27

(Amend Chapter 10 - Deleting Article II) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-315

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

ORDINANCE # 2009-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 "DRUG FREE ZONES" OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY DELETING AND REPEALING, IN ITS ENTIRETY, ARTICLE II, "SEX OFFENDER RESIDENCY PROHIBITION"

which was introduced on August 6, 2009, public hearing held September 10, 2009, be adopted on second and final reading this 10th day of September, 2009.

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

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-28 (Bond Ordinance - Road Improvements - \$1,750,000.00). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-316/2009-28 (Bond Ordinance - Road Improvements - \$1,750,000.00) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Rosenthal and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-316

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

ORDINANCE # 2009-28

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$1,750,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,662,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on August 6, 2009, public hearing held September 10, 2009, be adopted on second and final reading this 10th day of September, 2009.

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

ORDINANCE # 2009-28

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$1,750,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,662,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$1,750,000 including the sum of \$87,500 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,662,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the reconstruction of roads to a class A standard, as provided in the Local Bond Law, including, without limitation, Topanemus Road, Wyncrest Road and Gordons Corner Road, and such other roads as may be identified on a list that may hereafter be filed in the Clerk's office, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,662,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$87,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

The following Res. # 2009-325 (Appointing an administrator and an addendum to a professional services contract for administrative agent pertaining to rehabilitation services) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-325

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH THE MONMOUTH HOUSING ALLIANCE, INC., d/b/a AFFORDABLE HOUSING ALLIANCE OF NEW JERSEY FOR THE ADMINISTRATION OF MARLBORO TOWNSHIP'S OWNER-OCCUPIED AND RENTAL REHABILITATION PROGRAMS

WHEREAS, the Township Council of the Township of Marlboro petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 30, 2008; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate households; and

WHEREAS, COAH's rules require municipalities having a rehabilitation obligation to provide a rehabilitation program to renovate deficient housing units that are owner-occupied as well as rented pursuant to N.J.A.C. 5:97-6.2; and

WHEREAS, COAH has determined that Marlboro has an owner-occupied rehabilitation obligation of thirty-six (36) units; and

WHEREAS, COAH has determined that Marlboro has a rental rehabilitation obligation of nine (9) units; and

WHEREAS, the Township of Marlboro requires the services of an administrator for its owner-occupied and rental rehabilitation programs pursuant to N.J.A.C. 5:97-6.2; and

WHEREAS, Marlboro is not able to administer its rehabilitation obligation for both owner-occupied and rental units using existing in-house personnel and therefore, on August 6, 2009, Marlboro published a request for proposal (RFP) for an administrator for its owner-occupied and rental rehabilitation programs; and

WHEREAS, in response to the foregoing RFP the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey (hereinafter the "Contractor") submitted the only response received which set forth the Contractor's qualifications and desire to act as the administrator of Marlboro's owner-occupied and rental rehabilitation programs; and

WHEREAS, Marlboro's representatives thereafter interviewed a representative of the Contractor and determined that the Monmouth Housing Alliance d/b/a Affordable Housing Alliance has experience as a rehabilitation administrator and is qualified to act in such a capacity; and

WHEREAS, the Township of Marlboro hereby determines that it is in the best interests of the Township to develop and administer an owner-occupied and rental rehabilitation program and to appoint the Contractor as the administrator of its owner-occupied and rental rehabilitation programs; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Town Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

WHEREAS, the Contractor has proposed to charge \$1,500 per unit for the administration of both the owner-occupied and rental rehabilitation programs as well as a \$300 certification fee for each applicant who is accepted and deemed eligible for either an owner-occupied or rental rehabilitation project and the Township hereby deems these fees reasonable fees to be paid by the Township of Marlboro from its affordable housing trust fund; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro desire to enter into a First Amendment to the existing Agreement with the Contractor for the purpose of administering its owner-occupied and rental rehabilitation programs in accordance with

COAH's regulations pursuant to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.

NOW THEREFORE BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Monmouth Housing Alliance, Inc., d/b/a Affordable Housing Alliance of New Jersey is hereby retained to administer Marlboro Township's owner-occupied and rental rehabilitation programs in accordance with COAH's regulations pursuant to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the First Amendment to the existing Agreement with the Monmouth Housing Alliance, Inc., d/b/a Affordable Housing Alliance of New Jersey for the administration of Marlboro Township's owner-occupied and rental rehabilitation programs; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby designates the Monmouth Housing Alliance, Inc., d/b/a Affordable Housing Alliance of New Jersey as the administrator of its owner-occupied rehabilitation program within the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a copy of the First Amendment to the Agreement with the Monmouth Housing Alliance, Inc., d/b/a/ Affordable Housing Alliance of New Jersey shall be attached to this Resolution; and

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

- a. New Jersey Council on Affordable Housing
- b. Kenneth W. Biedzynski, COAH Special Counsel
- c. Monmouth Housing Alliance d/b/a Affordable Housing Alliance
- d. Municipal Housing Liaison (Thomas P. Howley)
- e. Mayor Jonathan L. Hornik
- f. Township Administrator
- g. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Res. # 2009-317/Ord. # 2009-29 (Revised Flood Hazard Mitigation) was introduced by reference, offered by

Councilwoman Marder and seconded by Council Vice President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-317

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

ORDINANCE # 2009-29

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING STANDARDS AND REGULATIONS", SECTION 84-37, "FLOOD DAMAGE PREVENTION", SUB-SECTION 84-37(D) "ADMINISTRATION" AND SUB-SECTION 84-37(F) FLOODPLAIN MANAGEMENT REGULATIONS" PURSUANT TO THE REQUEST OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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 October 15, 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 # 2009-29

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING STANDARDS AND REGULATIONS", SECTION 84-37, "FLOOD DAMAGE PREVENTION", SUB-SECTION 84-37(D) "ADMINISTRATION" AND SUB-SECTION 84-37(F) FLOODPLAIN MANAGEMENT REGULATIONS" PURSUANT TO THE REQUEST OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro adopted Ordinance No. 2009-23 which revised the Township's current flood damage prevention code to be consistent with the requirements set forth by the New Jersey Department of Environmental Protection; and

WHEREAS, the State of New Jersey Department of Environmental Protection ("NJDEP") has requested that the Township revise such Ordinance to make same consistent with State requirements.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 84, Land Use Development and Regulations, Article III, Zoning Standards and Regulations, Section 84-37, Flood Damage Prevention, Sub-Section 84-37(D), Administration, be and is hereby amended and supplemented to delete Sub-Section 84-37(D) (4) (a) [4] and re-number the remainder of such Sub-Section as follows:

D. Administration.

- (1) Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection C(2). Application for a development permit shall be made to the Construction Official on forms furnished by him and may include but not be limited to the following plans, in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
 - (a) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures.
 - (b) Elevation, in relation to mean sea level, to which any nonresidential structure has been floodproofed.
 - (c) Plans showing how any nonresidential floodproofed structure will meet the floodproofing criteria of Subsection E(2) (b), and after the structure is built, a certification by a registered professional engineer or architect that the structure as built meets the criteria of Subsection E(2) (b).
 - (d) Description of, the extent to which any water-course will be altered or relocated as a result of proposed development.
- (2) Designation of Construction Official. The Construction Official is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.
- (3) Duties and responsibilities of the Construction Official shall include but not be limited to:
 - (a) Permit review.

- [1] Review all development permits to determine that the permit requirements of this section have been satisfied.
 - [2] Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - [3] Review all development permits to determine if such proposed development is located in the floodway and assure that the encroachment provisions of Subsection F(4)(c) are met.
- (b) Use of other base flood data. When base flood elevation and floodway data has not been provided in accordance with Subsection C(2), Basis for establishing the areas of special flood hazard, the Construction Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Subsection E(2)(a), Specific standards, Residential construction, and Subsection E(2)(b), Specific standards, Nonresidential construction.
- (c) Information to be obtained and maintained.
- [1] Verify and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.
 - [2] For all new or substantially improved floodproofed structures:
 - [a] Verify and record the actual elevation in relation to mean sea level.
 - [b] Maintain the floodproofing certifications required in Subsection D(1)(c).
 - [c] Maintain for public inspection all records pertaining to the provisions of this section.
- (d) Alteration of watercourses.
- [1] Notify adjacent communities and New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and Land Use Regulation Program, of and prior to

any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Interpretation of firm boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

(4) Variance procedure.

(a) Appeal board.

[1] The Planning Board of the Township of Marlboro shall decide appeals, except in the case of a use variance, then the Board of Adjustment shall be the agency to grant relief from the requirements of this section.

[2] The Planning Board, or Board of Adjustment in the case of a use variance, will hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Construction Official in the enforcement or administration of this section.

[3] Those aggrieved by the decision of the Planning Board or Board of Adjustment, or any taxpayer, may appeal such decision to the Township Council.

[4] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

[5] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond the one-half

(1/2) acre, the technical justification required for issuing the variance increases.

[6] Upon consideration of the factors listed above and the purposes of this section, the Planning Board, or Board of Adjustment in the case of a use variance, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

[7] The Planning Board Secretary shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

BE AND IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 84, Land Use Development and Regulations, Article III, Zoning Standards and Regulations, Section 84-37, Flood Damage Prevention, Sub-Section 84-37(F), Floodplain Management Regulations, be amended and supplemented to revise Sub-Sections 84-37(F) (3) (j) and 94-37(F) (4) (b) to revise the one (1) foot rise to a 0.2 foot rise pursuant to the State of New Jersey's regulations as follows:

F. Floodplain management regulations.

- (1) When the Construction Official has not defined the special flood hazard areas within a community, has not provided water surface elevation data and has not provided sufficient data to identify the floodway or coastal high-hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the program, the community shall:
 - (a) Require permits for all proposed construction or other development in the community, including the placement of mobile homes, so that it may determine whether such construction or other development is proposed within flood-prone areas.
 - (b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new

construction and substantial improvements, including the placement of prefabricated buildings and mobile homes, shall:

[1] Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

[2] Be constructed with materials and utility equipment resistant to flood damage.

[3] Be constructed by methods and practices that minimize flood damage.

(d) Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that:

[1] All such proposals are consistent with the need to minimize flood damage within the flood-prone area.

[2] All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.

[3] Adequate drainage is provided to reduce exposure to flood hazards.

(e) Require within flood-prone areas new and replacement water supply systems to be designed so as to minimize or eliminate infiltration of floodwaters into the systems.

(f) Require within flood-prone areas:

[1] New and replacement sanitary sewage systems to be designed so as to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

[2] On-site waste disposal systems to be located so as to avoid impairment to them or contamination from them during flooding.

(2) When the Construction Official has designated areas of special flood hazards (A Zones) by the publication of a community's DFIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high-hazard area, the community shall:

- (a) Require permits for all proposed construction and other developments, including the placement of mobile homes, within Zone A on the community's DFIRM.
- (b) Require the application of the standards in Subsection F(1)(b), (c), (d), (e) and (f) to development within Zone A on the community's DFIRM.
- (c) Require that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.
- (d) Obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, until such other data has been provided by the Construction Official, as criteria for requiring that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated or floodproofed to or above base flood level, and that all new construction and substantial improvements of nonresidential structures have the lowest floor elevated or floodproofed to or above base flood level.
- (e) For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's DFIRM, obtain the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement, and obtain, if the structure has been floodproofed, the elevation, in relation to mean sea level, to which the structure was floodproofed, and maintain a record of all such information with the official designated by the community.
- (f) Notify, in riverine situations, adjacent communities and the state coordinating officer prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Construction Official.
- (g) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (h) Require that all mobile homes to be placed within Zone A on a community's DFIRM shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be

that over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than 50 feet long requiring one additional tie per side, and that frame ties be provided at each corner of the home, with five additional ties per side at intermediate points, and mobile homes less than 50 feet long requiring four additional ties per side; that all components of the anchoring system be capable of carrying a force of 4,800 pounds; and that any additions to the mobile home be similarly anchored.

- (i) Require that an evacuation plan indicating alternate vehicular access and escape routes be filed with appropriate disaster preparedness authorities for mobile home parks and mobile home subdivisions located within Zone A on the community's DFIRM.
- (3) When the Construction Official has provided a notice of final base flood elevations within Zones AE on the community's DFIRM and, if appropriate, has designated AO Zones, A99 Zones and unnumbered A Zones on the community's DFIRM, but has not identified a regulatory floodway or coastal high-hazard area, the community shall:
- (a) Require the standards of Subsection F(2) of this section within all AE Zones, unnumbered A Zones and AO Zones on the community's DFIRM.
 - (b) Require that all new construction and substantial improvements of residential structures within Zones AE on the community's DFIRM have the lowest floor, including basement, elevated to or above the base flood level, unless the community is granted an exception by the Construction Official for the allowance of basements and/or storm cellars.
 - (c) Require that all new construction and substantial improvements of nonresidential structures within Zones AE on the community's DFIRM have the lowest floor, including basement, elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- (d) Provide that where floodproofing is utilized for a particular structure in accordance with Subsection F(3)(c) and (h), either a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community, or a certified copy of a local regulation containing detailed floodproofing specifications which satisfy the watertight performance standards of Subsection F(3)(c) of this section shall be submitted to the Administration for approval.
- (e) Require within Zones AE on the community's DFIRM for new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions and for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvements has commenced, that stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile homes will be at or above the base flood level; that adequate surface drainage and access for a hauler are provided; and that in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart and reinforcement is provided for pilings more than six feet above the ground level.
- (f) Require for all mobile homes to be placed within Zones AE on the community's DFIRM but not into mobile home parks or mobile home subdivisions, that stands or lots are elevated in compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; that adequate surface drainage and access for a hauler are provided; and that in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart and reinforcement is provided for piers more than six feet above ground level.
- (g) Require within any AO Zone on the community's DFIRM that all new construction and substantial improvements of residential

structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the community's DFIRM.

- (h) Require within any AO Zone on the community's DFIRM that all new construction and substantial improvements or nonresidential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the DFIRM or, together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (i) Require within any A99 Zones on a community's DFIRM the standards of Subsection F(1)(a), (b), (c) and 84-37F(2)(e) through (i) of this section.
 - (j) Require until a regulatory floodway is designated, that no new construction, substantial improvements or other development, including fill, shall be permitted within Zones AE on the community's DFIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two-tenths (0.2) foot at any point within the community.
- (4) When the Construction Official has provided a notice of final base flood elevations within Zones AE on the community's DFIRM and, if appropriate, has designated AO Zones, A99 Zones and unnumbered A Zones on the community's DFIRM and has provided data from which the community shall designate its regulatory floodway, the community shall:
- (a) Meet the requirements of Subsection F(3)(a) through (i) of this section.
 - (b) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than two-tenths (0.2) foot at any point.

- (c) Prohibit encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (d) Prohibit the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, within the adopted regulatory floodway.
- (e) Prohibit any proposed development, in all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, whose cumulative effect, when combined with all other existing and anticipated development, increases the water surface elevation of the base flood by more than two-tenths (0.2) of a foot at any point.

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

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

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

The following Res. # 2009-319/Ord. # 2009-31 (Amend Ord. #2005-37 (Swim Utility Bond Ordinance) was introduced by reference, offered by Council Vice President LaRocca and seconded Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-319

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

ORDINANCE # 2009-31

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE 2005-37 OF THE TOWNSHIP FINALLY ADOPTED ON SEPTEMBER 22, 2005, PROVIDING FOR IMPROVEMENTS AND OTHER RELATED EXPENSES TO THE TOWNSHIP'S SWIM UTILITY AND APPROPRIATING \$446,250 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$446,250 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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 October 1, 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 # 2009-31

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2005-37 OF THE TOWNSHIP FINALLY ADOPTED ON SEPTEMBER 22, 2005, PROVIDING FOR IMPROVEMENTS AND OTHER RELATED EXPENSES TO THE TOWNSHIP'S SWIM UTILITY AND APPROPRIATING \$446,250 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$446,250 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Bond Ordinance No. 2005-37 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted on September 22, 2005 (the "Prior Ordinance"), is hereby amended in full to read as follows:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose,

such sums amounting in the aggregate to \$446,250. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$446,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (1) Purpose: Acquisition of outdoor umbrellas, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$157,500
Maximum Amount of Bonds or Notes: \$157,500
Period or Average Period of Usefulness: 15 years

- (2) Purpose: Improvements to the Swim Utility Pavilion, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$105,000
Maximum Amount of Bonds or Notes: \$105,000
Period or Average Period of Usefulness: 15 years

- (3) Purpose: Various playground improvements, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$52,500

Maximum Amount of Bonds or Notes: \$52,500
Period or Average Period of Usefulness: 15 years

- (4) Purpose: Improvements to Swim Utility bulkhead, pool and filtration system, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$105,000
Maximum Amount of Bonds or Notes: \$105,000
Period or Average Period of Usefulness: 15 years

- (5) Purpose: Construction of volley ball court at Swim Utility, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$26,250
Maximum Amount of Bonds or Notes: \$26,250
Period or Average Period of Usefulness: 15 years

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount; the description, the interest rate and the

maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as a self liquidating improvement of a municipal public utility, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$446,250, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law

(d) An aggregate amount not exceeding \$21,250 for items of expense listed in and permitted under NJ.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2. hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal-of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This Ordinance amends Bond Ordinance 2005-37 of the Township finally adopted September 22, 2005. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. # 2009-320/Ord. # 2009-32 (Amend Chapter 84 - Rezoning Land Conservation to R-80 - Residential District) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President LaRocca. Discussion followed, during which Mayor Hornik explained the ordinance. After discussion, the ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-320

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

ORDINANCE # 2009-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP", OF CHAPTER 84, ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO RE-ZONE CERTAIN LANDS ON BEACON HILL ROAD AND OLD FARM ROAD FROM THE LAND CONSERVATION DISTRICT TO THE R-80 RESIDENTIAL DISTRICT

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 October 15, 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 # 2009-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B
ENTITLED "ZONING MAP", OF CHAPTER 84, ENTITLED
"LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE
OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO RE-ZONE
CERTAIN LANDS ON BEACON HILL ROAD AND OLD FARM ROAD
FROM THE LAND CONSERVATION DISTRICT TO THE R-80
RESIDENTIAL DISTRICT

WHEREAS, on October 25, 2006, the Mayor and Township Council of the Township of Marlboro adopted Ordinance 2006-15 re-zoning certain lots to the LC Land Conservation District; and

WHEREAS, the following properties were rezoned by Ordinance 2006-15 to the LC Land Conservation District:

| Block | Lot |
|-------|-------|
| 132 | 35.01 |
| 132 | 35.02 |
| 132 | 35.03 |
| 132 | 34 |
| 132 | 36 |
| 132 | 37 |

WHEREAS, the current owners of the properties (hereinafter referred to as the "property owner(s)") listed below have requested that the properties be rezoned to the R-80 Residential District:

| <u>Block</u> | <u>Lot</u> | <u>Owner(s)</u> |
|--------------|------------|---|
| 132 | 35.01 | Angela Juffey, formerly Angela Alfano and spouse, Daniel Juffey |
| 132 | 35.02 | Mary Turi, formerly Mary Alfano and spouse, John Turi |
| 132 | 35.03 | Anthony and Nina Alfano Residence Trust, subject to a life estate in favor of Nina Alfano, who shall be deemed the property owner for purposes of the limitations on development and right of first refusal contained herein. |
| 132 | 34 | Genevieve Nicolosi |
| 132 | 36 | Carl Nicolosi and spouse, Carol Nicolosi |
| 132 | 37 | Thomas Nicolosi |

WHEREAS, the property owners have agreed, and agreed to bind their successors and assigns through a document to be recorded in the Monmouth County Clerk's Office, that the properties shall not be further developed during the lifetime of the owner of each of the properties or for a period of ten (10) years from the approval of this ordinance with the exception of subdivision, development and permanent occupation by immediate family members in accordance with the terms and requirements of the Township's "Land Use and Development Regulations" for the R-80 residential district, subject to the authority of the appropriate municipal land use agency to grant variances and/or waivers pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et. seq. and further subject to a waiver of the restrictions on development should the property owner(s) become disabled, suffer a debilitating injury or become cognitively impaired; and

WHEREAS, the property owners are all related and have essentially used the properties as a "family compound"; and

WHEREAS, the property owners have agreed, and agreed to bind their successors and assigns through a document to be recorded in the Monmouth County Clerk's Office to cooperate with the Township of Marlboro in the preservation of the property owned by these parties if the Township determines to preserve said property for open space, farm preservation or recreation whereby the Township has been granted a right of first refusal and other valuable rights; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

Subsection 84-29 having been re-codified as Section 84-29B(1), shall be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises set forth hereinbelow located on Beacon Hill Road and Old Farm Road from the LC Land Conservation District and add such premises to the R-80 Residential District:

| <u>Block</u> | <u>Lot</u> |
|--------------|------------|
| 132 | 35.01 |
| 132 | 35.02 |
| 132 | 35.03 |
| 132 | 34 |
| 132 | 36 |
| 132 | 37 |

The rezoning of these properties shall be subject to and conditioned upon the execution of an agreement and/or recordable document between the property owner(s) and the Township of Marlboro which incorporates the terms of the recital clauses of this ordinance limiting development of the properties during the lifetime of the property owners and giving the Township of Marlboro a right of first refusal to purchase the properties for open space, farm preservation or recreation purposes.

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

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

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

The following Res. # 2009-321/Ord. # 2009-33 (Ordinance Amending Chapter 40 - Alarm Systems) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-321

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

ORDINANCE # 2009-33

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40, "ALARM SYSTEMS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY BY DELETING SAME IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 40, "ALARM SYSTEM REGULATIONS"

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 October 1, 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 # 2009-33

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40, "ALARM SYSTEMS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY BY DELETING SAME IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 40, "ALARM SYSTEM REGULATIONS"

WHEREAS, Mayor Hornik requested that the New Jersey Department of Community Affairs conduct an assessment of the Police Division in an effort to determine whether measures could be implemented to improve the services provided by the Police Division and provide tax relief to the citizens of Marlboro Township; and

WHEREAS, the Assessment Report prepared by the Department of Community Affairs and dated December 2008 recommended that the Township continue the implementation of a progressive alarm ordinance that discourages false alarms, which are a burden on limited police resources, while also imposing certain fees in connection with the regulating of alarm systems which will provide an additional revenue stream to the Township, which will provide tax relief to the citizens of Marlboro Township.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 40, Alarm Systems, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Chapter 40, Alarm Systems, as set forth herein as follows:

Chapter 40, ALARM SYSTEMS

Article I Purpose and General Application Provisions

§ 40-1. Purpose.

The purpose of this Chapter is to 1) establish the administrative process for the issuance of permits for alarm systems; 2) establish regulations for the use and operation of all alarm systems in the Township of Marlboro; 3) provide regulations and standards for the direct monitoring of alarm systems by the Marlboro Township Division of Police through direct connection to the Division of Police Digital Alarm Console located in Police Headquarters; and 4) to establish fees and penalties associated with these regulations.

§ 40-2. Definitions and word usage.

A. Words defined. As used in this Chapter, the following terms shall have the meanings indicated:

ALARM BUSINESS -- A natural person or corporation licensed by the State of New Jersey or otherwise permitted by law to engage in the business of installing, maintaining, monitoring, repairing, replacing, selling, servicing or responding to an alarm system or which causes any of these activities to take place.

ALARM DEVICE - The equipment that responds manually or automatically to burglary, robbery, intrusion, fire, smoke, medical, panic, flood or other perils.

ALARM MONITORING BUSINESS -- a natural person or corporation, for profit that engages in the business of receiving signals from an Alarm System or an Alarm Device that relays a request for a response by police, fire, rescue or other emergency response personnel.

ALARM SYSTEM - The equipment, devices or series of devices or an assembly of equipment and devices, including but not limited to hardwired systems, or systems interconnected with wireless technology, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarmed condition that may also be designed to summon an action or response by either an Alarm Monitoring Business or by police, fire, rescue or other emergency response personnel. In this Chapter, the term "alarm system" shall include the term "alarm device". For purposes of this Chapter, an alarm system shall not include the definition of an alarm device attached to a motor vehicle.

DIGITAL ALARM -- A microprocessor-controlled alarm system designed to emit or transmit an electronic signal to either the Marlboro Division of Police Digital Alarm Console, or an Alarm Monitoring Business.

DIGITAL ALARM CONSOLE -- The digital equipment or control panel of devices that provide a visual and/or audio notification within Police Headquarters in Marlboro Township, that an Alarm System within the Township requires a response by police, fire, rescue, or other emergency response personnel.

DIVISION of POLICE -- The Marlboro Township Division of Police.

FALSE ALARM -- An alarm or signal activation, emission or transmission emanating from an Alarm System which results in a response by police, fire, rescue or other emergency response personnel, when no emergency condition exists that is caused by the negligent use or intentional misuse of the Alarm System by the Owner or Alarm Monitoring Business. No emergency condition exists if the responding police officer finds no evidence of an actual or attempted criminal offense, or where fire responders find no evidence of heat, smoke or fire conditions that would cause an alarm, or where rescue or other emergency responders find no evidence of medical, panic, flood or other perils requiring rescue or other emergency response personnel.

PERSON -- Any natural born human or any partnership, corporation or association, whether for profit, or not for profit.

POLICE CHIEF OR HIS DESIGNATED REPRESENTATIVE:

(1) POLICE CHIEF -- The Police Chief or Acting Police Chief of the Marlboro Township Division of Police.

(2) DESIGNATED REPRESENTATIVE -- Any person designated by the Police Chief or the Acting Police Chief to perform a function required or permitted by the provisions of this Chapter. The term "designated representative" shall be limited to members of the Township Division of Police or employees of the Division of Police assigned to and working in the Police Administration Section.

REGISTRANT -- A person that has registered an alarm system according to the provisions of this Chapter.

TOWNSHIP -- The Township of Marlboro.

B. Word usage. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory.

Article II. Alarm Systems Permits & Regulations
§ 40-3. Alarm System Permit

A. Every owner of an alarm system located in the Township shall obtain a permit for the alarm system from the Division of Police on an annual basis. An alarm system permit shall be obtained for each alarm system location owned by the applicant. Failure to obtain a permit for an alarm system is a violation of the Code of the

Township of Marlboro that may result in the imposition of the fines and penalties set forth in § 4-3 of the Code.

B. An owner of an alarm system may delegate the responsibility for obtaining an alarm system permit to the alarm business that installs, maintains or operates the alarm system, or to an alarm monitoring company, however, failure of the alarm business or alarm monitoring company to obtain an alarm system permit shall not absolve the owner of the alarm system from the responsibility for obtaining an alarm system permit from the Township.

C. The annual fee for obtaining an alarm system permit is \$10.00 per alarm system location.

D. All alarm system permits issued by the Division of Police prior to the effective date of this Ordinance shall remain in full force and effect until December 31, 2009.

E. Each alarm system application shall contain the following information:

1. Name, complete address (including apartment or room number), and telephone numbers (including home phone number, cell phone number and office phone number, if applicable) of the Owner of the alarm system.

2. Complete address (including apartment or room number) of the alarm system, if it differs from the address of the alarm system owner.

3. Name, complete address (including apartment or room number), and telephone number of the alarm business that is under contract with the alarm system owner to monitor the alarm system (information to be provided if applicable). Applicant must include an alarm business telephone phone number where the alarm business may be reached 24 hours per day, seven days per week by the Police Division.

4. Description of the manufacturer, model and type of alarm system, including the types of circumstances that are alarmed, i.e., burglar, fire or medical condition(s) at a commercial, residential, or other location.

5. Any dangerous or special conditions present at the location where the alarm system is used.

6. Names and telephone numbers of two individuals who are able to, and have agreed to receive notification from the Township when the alarm system is activated and who have further agreed to respond to the alarm system location within twenty (20) minutes of a request from the Township, and who can gain access or grant access to the alarm system location for the purpose of responding to the alarm or deactivating the alarm system, if necessary.
7. The type of business activity conducted at the alarm system location, if applicable.
8. Date of installation of the alarm system, if known.
9. Name of alarm business that provided installation of alarm system, if known.
10. Statement by the owner of the alarm system that the owner has received and maintained a copy of the operating instructions for the alarm system. If the permit application is made by an alarm business or an alarm monitoring company on behalf of the owner of the alarm system, then the business or company shall certify that it has provided the owner of the alarm system with the operating instructions for the alarm system and that it has also trained the alarm system owner in the proper use of the alarm system.
11. An acknowledgement of receipt of a copy of the Township's regulations concerning false alarms.
12. Indication of whether or not the alarm system owner has ever had an alarm system permit revoked.
13. An acknowledgement that false statements made by the applicant for the purpose of obtaining an alarm system permit shall be sufficient cause to refuse to issue a permit, and to pursue all available civil and criminal remedies against the applicant.
14. An acknowledgement that the applicant must advise the Division of Police of any material change in circumstance that alters the information provided in the application within five business days of a change of circumstance.
15. An acknowledgement that the applicant must pay any outstanding fees or penalties established by this Chapter 40 prior to the issuance of an alarm system permit.
16. Proof, if required due to false alarms, of the inspection and correction of any defects or malfunctions in the alarm system.

F. An alarm system permit shall expire twelve months from the date of issue. A registrant shall file an application for renewal of an alarm system permit prior to the expiration date of the permit. Failure to renew an alarm system permit by the expiration date will result in the alarm system being classified as unregistered, which may result in fines and penalties in accordance with § 4-3 of the Code.

G. All alarm systems that have not previously registered with the Township shall be registered with the Township within thirty days of the effective date of this Ordinance.

H. All alarm systems shall be registered within thirty (30) days of installation.

§ 40-4. Any person that owns an alarm system without having obtained an alarm system permit shall be subject to the penalties described in § 4-3 of the Code.

§ 40-5. Regulation of Alarm Systems.

A. Every owner of an alarm system shall maintain the alarm system, or cause the alarm system to be maintained in a manner that minimizes or eliminates false alarms which are a burden on the limited resources of the Township.

B. Every owner of an alarm system shall respond to, or ensure that its authorized personnel respond to the alarm system location within twenty (20) minutes of a request by the Division of Police in order to gain access to the alarm system location or deactivate the alarm system, if necessary.

C. If an alarm system emits two false alarms in any one year period, the owner of the alarm system shall have the alarm system inspected for defects or malfunctions by an alarm business and the registrant shall provide proof of the alarm system inspection and the correction of any defects or malfunctions to the Division of Police at the time of registration or re-registration of the alarm system. If no defects or malfunctions are discovered during the inspection by the alarm business, the alarm business shall provide training or re-training to the owner or users of the alarm system in the proper use of the system, and the registrant shall provide proof of training or re-training in the use of the alarm system to the Division of Police at the time of registration or re-registration.

D. If an alarm system emits three or more false alarms in any one year period, the owner of the alarm system shall have the alarm system inspected for defects or malfunctions by an alarm business and the registrant shall provide proof of the inspection of the alarm system and the correction of any defects or malfunctions to the Division of Police at the time of registration or re-registration of the alarm system. If no defects or malfunctions are discovered during the inspection by the alarm business, the alarm business shall provide training or re-training to the owner or users of the alarm system in the proper use of the alarm system, and the registrant shall be required to provide proof of training or re-training in the use of the alarm system to the Division of Police at the time of registration or re-registration.

Additionally, at the time of registration or re-registration, the registrant shall pay an additional registration fee as follows:

- a. For 3 or 4 false alarms in the previous year an additional registration fee of \$20.00.
- b. For 5 or 6 false alarms in the previous year an additional registration fee of \$ 40.00
- c. For 7 to 9 false alarms in the previous year an additional registration fee of \$100.00.
- d. For 10 or more false alarms in the previous year an additional registration fee of \$200.00.

E. Notwithstanding the foregoing regulatory provisions, the Division of Police retains the authority to issue criminal complaints or summonses for disorderly conduct emanating from the report of a false public alarm.

F. Any person testing an alarm system shall notify the Division of Police immediately prior to and after the testing is completed. Failure to do so shall subject such person to the penalties set forth in § 4-3 of the Code.

G. All components of an alarm system shall be maintained by the owner in good repair. When evidence exists that there has been a mechanical failure or malfunction of an alarm system, the Chief of Police may order that the alarm system be de-activated until the mechanical failure or malfunction can be repaired and serviced by an Alarm Business. In the event that an alarm system owner fails to de-activate an alarm system that has evidence of a mechanical failure or malfunction, after being ordered to do so by the Police Chief, the Division of Police shall have the right to exercise its discretion in the use of limited police resources to give lower priority to the response to alarm signal activations from

malfunctioning alarm systems until the owner of the alarm system, or the owner's authorized representative, provides proof to the Division of Police that the alarm system has been repaired, serviced and inspected by an alarm business that has certified that the alarm system is operating in accordance with the design and operational standards imposed by the alarm system manufacturer. In the event that it is determined by the Division of Police to give lower priority to the response to alarm signal activations from a malfunctioning alarm system, the Division of Police shall provide notice to the alarm system owner or the owner's designated emergency contact by the quickest means possible at the time of discovery of the malfunction, followed by written notice that this procedure was utilized in the interest of public safety.

H. All fees required by this Chapter shall be payable to the Township of Marlboro at the time of registration or re-registration of the alarm system.

§ 40-6. False Alarms.

A. It is a violation of the Code of the Township of Marlboro for any person to cause a false alarm. In the event that an alarm system is activated in a circumstance where no emergency exists, the alarm system owner or alarm monitoring business shall have an affirmative duty to notify the police division immediately to prevent the unnecessary dispatch of police, fire, rescue or other emergency response personnel. The Chief of Police shall keep a record of all false alarms and conduct any investigations he deems necessary regarding false alarms.

B. The following penalties shall be imposed by the Municipal Court upon a finding or determination that a false alarm has occurred, or that the alarm system owner or alarm monitoring business has failed to notify the police division as required by § 40-6(A).

1. For the first or second offense in any given calendar year, a written warning shall be issued by the Police Division;
2. For the third offense in the same calendar year, a fine of at least twenty dollars (\$20.00) shall be imposed by the Marlboro Municipal Court;
3. For the fourth and each subsequent offense, a fine of at least fifty dollars (\$50.00) shall be imposed by the Marlboro Municipal Court.

C. An alarm system owner or alarm monitoring business shall not be found guilty of causing a false alarm if an investigation determines that the alarm system activation was caused by a power failure,

telephone system malfunction, alarm system malfunction, any act of God, or any other cause clearly beyond the control of the alarm system owner or alarm monitoring business.

D. Notwithstanding the foregoing regulatory provisions, the Division of Police retains the authority to issue criminal complaints or summonses for disorderly conduct emanating from the report of a false public alarm.

§ 40-7. Rule-making authority.

The Chief of Police may promulgate forms, rules and regulations to implement the purposes of this Chapter as well as to provide for efficient recordkeeping, management and administration of this Chapter.

§ 40-8. Violations and penalties.

Any person, firm or corporation found guilty in the Municipal Court of the Township of Marlboro for violation of the terms of this Chapter shall be subject to the fines and penalties set forth in § 4-3 of the Code.

Article III. Direct Connection of Alarm System to the Division of Police Digital Alarm Console

§ 40-9. Connection to Digital Alarm Console

An alarm system located within the Township of Marlboro may be directly connected to the digital alarm console, provided that the alarm system is a digital alarm that is compatible with the digital alarm console and meets the minimum specifications established by the Division of Police and further provided that the direct connection of an alarm system will not cause an undue burden on the limited resources of the Township or otherwise endanger the health, safety and welfare of the citizens of the Township, as determined by the Police Chief.

§ 40-10. Procedures for Connection to Digital Alarm Console

A. No Alarm System shall be connected to the Digital Alarm Console without the approval of the Police Chief.

B. No Alarm System shall be connected to the Digital Alarm Console unless it uses Digital Dialer Technology and Plain Old Telephone Lines (POTS).

C. The Police Chief may approve the connection of an alarm system directly to the Digital Alarm Console after the Police Chief determines that the connection of the alarm system to the Digital Alarm Console will not cause an undue burden on the limited resources of the Township or otherwise endanger the health, safety and welfare of the citizens of the Township.

D. No alarm system shall be connected to the digital alarm Console if it is technologically incompatible with the digital alarm console.

E. An alarm system owner must fill out a digital alarm console permit application provided by the Division of Police that at a minimum requests the following information:

1. Name, complete address (including apartment or room number), and telephone number (including home phone number, cell phone number and office phone number, if applicable) of the owner of the alarm system.

2. Complete address (including apartment or room number) of the alarm system, if it differs from the address of the alarm system owner.

3. Name, complete address (including apartment or room number), and telephone number of the alarm business that is under contract with the alarm system owner to maintain the alarm system, if applicable.

4. Description of the manufacturer, model and type of alarm system, including the types of circumstances that are alarmed, i.e., burglar, fire or medical condition at a commercial, residential or other location.

5. Any dangerous or special conditions present at the location where the alarm system is used.

6. Names and telephone numbers of two individuals who are able to, and have agreed to receive notification from the Township when the alarm system is activated and who have further agreed to respond to the alarm system location within twenty (20) minutes of a request from the Township, and who can gain access or grant access to the alarm system location for the purpose of responding to the alarm or de-activating the alarm system, if necessary.

7. The type of business activity conducted at the alarm system location, if applicable.

8. Date of installation of the alarm system, if known.
 9. Name of alarm business that provided installation of alarm system, if known.
 10. Statement by the owner of the alarm system that he/she/it has received and maintained a copy of the operating instructions for the alarm system. If the permit application is made by an alarm business on behalf of the owner, the alarm business shall certify that it has provided the owner of the alarm system with the operating instructions for the alarm system and that it has also trained the alarm system owner in the proper use of the alarm system.
 11. An acknowledgement of receipt of a copy of the Township's regulations concerning false alarms.
 12. Indication of whether or not the alarm system owner has ever had an alarm system permit revoked.
 13. An acknowledgement that false statements made by the applicant for the purpose of obtaining a digital alarm console permit shall be sufficient cause to refuse to issue a permit, and to pursue all available civil and criminal remedies against the applicant.
 14. An acknowledgement that the applicant must advise the Division of Police of any material change in circumstance that alters the information provided in the application within five business days of a change.
 15. An acknowledgement that the applicant must pay any outstanding fees or penalties established by this Chapter prior to the issuance of a digital alarm console permit.
 16. Proof, if required due to false alarms, of the inspection and correction of any defects or malfunctions in the alarm system.
- F. Digital alarm console permit fees shall be paid at the time of application as follows:
1. A digital alarm console permit application fee of twenty-five dollars (\$25.00) per alarm system connected; and
 2. A digital alarm console annual permit fee of Two Hundred and Seventy Dollars (\$270.00) per alarm system for each alarm system that emits a signal directly to the digital alarm console.

G. No digital alarm console fees shall be paid by the Township of Marlboro for any of its facilities, including but not limited to the Marlboro Swim Club, nor shall the Marlboro Board of Education be required to pay any digital alarm console fees for its facilities in the Township of Marlboro; nor shall any digital alarm console fees be paid by the volunteer Fire Companies, First Aid or Rescue Squads in Marlboro Township. In addition, no digital alarm console fees shall be paid by any facility with an educational use or church use located within the Township, as the terms "church" and "educational use" are defined in § 84-4 of the Code.

§ 40-11. Authorized Disconnection of Alarm System from Digital Alarm Console

A. If an alarm system proves to be technologically incompatible with the digital alarm console after issuance of the digital alarm console permit, the Police Chief shall revoke the digital alarm console permit, order the disconnection of the alarm system from the digital alarm console and issue a refund to the registrant.

B. A digital alarm console permit shall expire on December 31 of the year it is issued. An alarm system owner shall file an application for renewal of a digital alarm console permit prior to the expiration date of the permit. Failure to renew a digital alarm console permit within 30 days of expiration of the permit will result in the alarm system being disconnected from the digital alarm console by the Division of Police.

C. Every owner of an alarm system connected to the digital alarm console shall maintain the alarm system, or cause the alarm system to be maintained in a manner that minimizes or eliminates false alarms which are a burden on the limited resources of the Township. Failure to so maintain an alarm system connected to the digital alarm console shall result in the alarm system being disconnected from the digital alarm console by the Division of Police.

D. If the Division of Police determines that the alarm system connected to the digital alarm console is defective, or malfunctioning, it may order the alarm system owner to have the alarm system inspected by an alarm system business that will provide a certification that the defect or malfunction has been corrected. Failure to have the alarm system inspected pursuant to an order from the Division of Police shall result in the alarm system being disconnected from the digital alarm console by the Division of Police.

E. If the Division of Police determines that the alarm system connected to the digital alarm console is being operated by the alarm system owner or authorized users in a manner that is detrimental to the health, safety and welfare of the general public, or in a manner that is causing an unnecessary diversion of limited police resources, then the Division of Police shall order that the alarm system owner or authorized users provide proof of training or re-training from an alarm business or alarm monitoring business. If the registrant fails to provide proof of training or re-training, or if training or re-training measures do not eliminate the operation of the alarm system in a manner that is detrimental to the health, safety and welfare of the general public, or in a manner that is causing an unnecessary diversion of limited police resources, then the Division of Police shall revoke the digital alarm console permit and disconnect the alarm system from the digital alarm console.

§ 40-11. Obligations of Owner with Alarm System Connected to Digital Alarm Console

A. The provisions of Article II of this Chapter shall apply equally to owners of alarm systems connected to the digital alarm console.

B. Owners of alarms systems connected to the digital alarm console shall as a condition of issuance of the digital alarm console permit execute an agreement indemnifying and holding the Township of Marlboro and the Township of Marlboro Division of Police harmless for any and all damages or losses suffered by persons or to property arising out of the issuance of the digital alarm console permit and the connection of the alarm system to the digital alarm console.

§ 40-12. Obligations of the Division of Police

A. The Police Chief shall promulgate forms, rules and regulations necessary to implement the purposes of this Chapter.

B. The Township shall have no obligation or duty to inspect or maintain any alarm system in the Township of Marlboro, whether or not said alarm system is connected to the digital alarm console.

C. The Police Chief shall discontinue the issuance of digital alarm console permits if he determines that the connection of alarm systems directly to the digital alarm console has caused a condition that is detrimental to the health, safety and welfare of the general public, or an unacceptable diversion of limited police resources.

D. The issuance of an alarm system permit or a digital alarm console permit by the Division of Police shall not create of any duty or obligation for the Township of Marlboro to the alarm system owner or any user or beneficiary of the alarm system.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid 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. # 2009-322 (Acceptance of Audit) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-322

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Res. # 2009-323 (Corrective Action Plan) was introduced by reference, offered by Council Vice President LaRocca and seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-323

RESOLUTION APPROVING AND ACCEPTING

CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2008 Annual Audit of the Township of Marlboro, conducted by Hutchins, Farrell, Meyer & Allison, P.A., contained certain recommendations requiring action, and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer, and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that the Corrective Action Plan for the SFY 2008 Annual Municipal Audit, hereto attached, is approved and accepted, and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

The following Res. # 2009-324 (Chapter 159 - DDEF) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-324

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey,

hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$10,465.75, which item is now available as a revenue from the "Drunk Driving Enforcement Fund", and

Section 2

BE IT FURTHER RESOLVED that the sum of \$10,465.75 is hereby appropriated under the caption "Drunk Driving Enforcement Fund".

The following Res. # 2009-326 (Authorizing Discharge of Mortgage - 161 Gordons Corner Road - B. 314, L. 1) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-326

A RESOLUTION OF THE TOWNSHIP OF MARLBORO TOWN COUNCIL
AUTHORIZING A DISCHARGE OF THE MORTGAGE AND MORTGAGE
NOTE DATED NOVEMBER 13, 2002, ON A PROPERTY LOCATED AT
161 GORDONS CORNER ROAD, MARLBORO, NEW JERSEY,
AND OWNED BY ALICE RABIN

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which was administered in accordance with the New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and the administrative rules of the Council on Affordable Housing; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents of The Township of Marlboro; and

WHEREAS, as a condition of the rehabilitation program residents who were offered financial assistance must retain ownership of their units for a period of six (6) years from the date of such assistance and if they do so, the financial assistance (which is in the form of a forgivable loan), shall be discharged and forgiven; and

WHEREAS, Alice Rabin and Arthur Rabin took title to a certain mortgaged premises by means of a deed from Bruce Fenick and Rita Fenick, his wife, by deed dated June 10, 1974, and recorded in the Monmouth County Clerk's Office on June 11, 1974, in Deed Book 3886; Page 421; and

WHEREAS, the address of the aforesaid property is commonly known as 161 Gordons Corner Road, Marlboro, New Jersey, also known as Block 314, Lot 1 on the official tax map of the Township of Marlboro (the "Property"); and

WHEREAS, the Rabins made application for rehabilitation assistance for their home and they were granted such assistance and repairs and/or improvements were made to their home as a consequence of the foregoing rehabilitation program; and

WHEREAS, Alice Rabin and Arthur Rabin owned the foregoing Property in fee simple; and

WHEREAS, the purpose of the foregoing rehabilitation services and funding was to correct defects in the premises located upon the Property and to bring said home up to applicable code standards; and

WHEREAS, the Township of Marlboro agreed to deferred payments in the amount of \$15,000.00 in furtherance of this rehabilitation; and

WHEREAS, the Township of Marlboro loaned the aforesaid sum to the Rabins (with no interest being charged) in furtherance of the foregoing rehabilitation project; and

WHEREAS, receipt of the forgivable loan is evidenced by the Mortgage Note dated November 13, 2002, to The Township of Marlboro which secured the cost of the rehabilitation; and

WHEREAS, the homeowners Arthur Rabin and Alice Rabin similarly signed a mortgage on November 13, 2002, to secure the indebtedness related to the foregoing rehabilitation project; and

WHEREAS, the foregoing mortgage was recorded in the Monmouth County Clerk's Office in Book 8167, page 6083 on December 2, 2002; and

WHEREAS, the term of the Mortgage and Mortgage Note was due and payable six (6) years from the date of the signing of the loan which is November 18, 2008; and

WHEREAS, the expiration of the note term has been reached which was six (6) years; and

WHEREAS, the note for \$15,000.00 is forgivable if the terms and conditions of the Rehabilitation Deferred Loan Agreement, Mortgage Note and Mortgage were met; and

WHEREAS, Arthur Rabin died on May 7, 2003 pursuant to the attached death certificate; and

WHEREAS, as a result of the death of Arthur Rabin, Alice Rabin is the Surviving owner of the Property as Tenant by the Entirety; and

WHEREAS, Arthur Rabin and Alice Rabin have demonstrated by Affidavit that:

1. She continues to own and occupy the Property as her primary residence and have done so for at least the past six (6) years since November 13, 2002;
2. She complied with all terms and conditions of the Mortgage Note, Rehabilitation Deferred Loan Agreement and the Marlboro Township Housing Rehabilitation Program guidelines and procedures;
3. She promptly paid all taxes, levies and assessments on the property;
4. She has not utilized the property as a rental property;
5. She has kept the property in good repair and has not permitted deterioration of the property;
6. She has maintained extended coverage insurance in an amount at least equal to the amount of the mortgage;
7. She has utilized the property in compliance with all the laws, ordinances and other requirements of any governmental authority; and

WHEREAS, Alice Rabin now desires to refinance her home and as a consequence of the anticipated refinance she has requested that the Township of Marlboro execute a Discharge of Mortgage for recording in the Monmouth County Clerk's Office to evidence that this Mortgage has been satisfied of record and the Property is free of this lien; and

WHEREAS, the Township Council agrees that a Discharge of Mortgage should be executed and recorded in the Monmouth County Clerk's Office to evidence that this Mortgage has been satisfied of record and the Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Township of Marlboro Housing Rehabilitation Program is hereby authorized to execute a Discharge of Mortgage for the Property (as defined and described hereinabove), a copy of which is attached hereto, to be recorded in the Monmouth County Clerk's Office, to evidence that the Mortgage (as defined and described hereinabove) has been satisfied of record and that the Property is free of this lien; and

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

- a. Rhonda J. Eiger, Esq.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator, Alayne Shepler
- d. Thomas P. Howley, Municipal Housing Liaison
- e. Township Attorney DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Res. # 2009-327 (Authorizing Shared Services Agreement Manalapan - Union Hill Road Cell Tower - B. 299, L. 20) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-327

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF MANALAPAN IN CONNECTION WITH THE USE OF THE UNION HILL ROAD CELL TOWER OWNED AND OPERATED BY THE TOWNSHIP OF MARLBORO

WHEREAS, N.J.S.A. 40A:65-1 et seq., authorizes the Township of Marlboro and the Township of Manalapan to enter into Shared Services Agreements in accordance with the terms set forth in the statute, provided that a Resolution is adopted by both the Township of Marlboro and the Township of Manalapan authorizing the Shared Services Agreement; and

WHEREAS, the Township of Marlboro owns and operates a cell tower at Union Hill Road; and

WHEREAS, the Township of Manalapan, requires the use of a portion of the cell tower for the placement of a receiving antenna exclusively for use by the Township of Manalapan Police Department and other emergency services of the Township of Manalapan; and

WHEREAS, the Township of Manalapan adopted a Resolution on August 12, 2009 authorizing the Shared Services Agreement in the form of agreement attached to this Resolution; and

WHEREAS, the Township Council of the Township of Marlboro hereby finds that the Shared Services Agreement with the Township of Manalapan will provide a monetary benefit to the Township of Marlboro, while providing the Township of Manalapan with a public safety benefit.

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

1. The Township Council of the Township of Marlboro, hereby authorizes the execution of a Shared Services Agreement with the Township of Manalapan to authorize the use of a portion of the Union Hill Road Cell Tower pursuant to the terms and conditions of the Shared Services Agreement in a form substantially similar to that attached hereto;

2. A copy of this Shared Services Agreement shall be open to public inspection in the Clerk's Office immediately after passage of this Resolution and shall become a part of such Shared Services Agreement;

4. The Shared Services Agreement shall take effect upon the adoption of a Resolution by both parties to the Shared Services Agreement, and execution of the Shared Services Agreement contemplated herein;

5. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the Shared Services Agreement on behalf of, and in the name of the Township of Marlboro; and

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

- a. Mayor Jonathan Hornik
- b. Mayor Richard H. Klauber
- c. Manalapan Town Clerk
- d. Marlboro Township Administrator
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-328 (Authorizing Revision to Shared Services Agreement Manalapan - Addendum Use of Pool Facility for Summer Camp Program) was introduced by reference, offered by Councilwoman Tragni and seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-328

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF MANALAPAN FOR USE OF THE MARLBORO SWIM CLUB FACILITIES IN THE TOWNSHIP OF MARLBORO

WHEREAS, N.J.S.A. 40A:65-1 et seq., authorizes the Township of Marlboro and the Township of Manalapan to enter into shared services agreements in accordance with the terms set forth in the statute provided that a resolution is adopted by both the Township of Marlboro and the Township of Manalapan authorizing the shared services agreement; and

WHEREAS, the Township of Marlboro and the Township of Manalapan have previously entered into a shared services agreement (hereinafter the "Agreement") for the Township of Manalapan to use the Township of Marlboro's municipally owned swimming facilities designated by Chapter 132 of the Marlboro Township Code as the "Marlboro Swim Club"; and

WHEREAS, the Agreement provides in part for the Township of Manalapan's summer camp program to avail itself of the use swimming facilities located at the Marlboro Swim Club, during the hours of operation and conditions of use set forth in this shared services agreement; and

WHEREAS, the parties have expressed their mutual desire to amend the shared services agreement as set forth in the attached "Revision to Shared Services Agreement" which was approved by the Township of Manalapan by resolution dated August 12, 2009; and

WHEREAS, the Township Council of Marlboro Township finds that the execution of this "Revision to Shared Services Agreement" is in the best interest of the Township of Marlboro.

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

1. The Township Council of the Township of Marlboro, hereby authorizes the execution of the attached "Revision to Shared Services Agreement" which was approved by the Township of Manalapan on August 12, 2009.

2. A copy of this "Revision to Shared Services Agreement" shall be open to public inspection in the Clerk's Office immediately after passage of this resolution.

3. The shared services agreement shall take effect upon the adoption of a resolution by both parties to the shared services agreement, and execution of the shared services agreement contemplated herein.

5. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the shared services agreement on behalf of, and in the name of the Township of Marlboro; and

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

- a. Mayor Jonathan Hornik
- b. Mayor Richard H. Klauber
- c. Manalapan Town Clerk
- d. Marlboro Township Administrator
- e. Marlboro Swim Club
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-329 (Declaring Area in Need of Redevelopment B. 132, L. 18 - Entron Property) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-329

A RESOLUTION DECLARING LAND KNOWN AS BLOCK 132, LOT 18,
IN THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY,
AN AREA IN NEED OF REDEVELOPMENT IN ACCORDANCE
WITH N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A.40A:12A-1 et seq., a municipality may, by resolution, determine that a proposed area is in need of redevelopment, provided that the statutory criteria is established after an investigation and hearing pursuant to law; and

WHEREAS, prior to consideration of this Resolution, the Township Council of the Township of Marlboro by Resolution #2005-365, requested that the Marlboro Township Planning Board undertake a preliminary investigation to determine if the premises known as Lot 18 in Block 132 on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, (the "Premises") is an area in need of redevelopment pursuant to N.J.S.A.40A:12A-3, 5 and 6; and

WHEREAS, Heyer, Gruel & Associates, professional planning consultants, undertook a Redevelopment Study of the Premises (the "Redevelopment Study") and issued a report dated June 4, 2009 which reports serves as a "statement setting forth the basis for the investigation", as required by N.J.S.A.40A:12A-6; and

WHEREAS, the Redevelopment Study determined that the Premises qualifies as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. for the reasons set forth in the Redevelopment Study; and

WHEREAS, pursuant to law, the Marlboro Township Planning Board held a public hearing on August 5, 2009 giving all persons who are interested in or who would be affected by a determination that the delineated lands are an area in need of redevelopment, an opportunity to be heard, and has recommended to the Township Council of the Township of Marlboro in a Resolution of Memorialization that the Premises known as Lot 18 in Block 132, as shown on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey be declared an area in need of redevelopment pursuant to the provisions of N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A.40A:12A-1 et seq., the Township Council of the Township of Marlboro hereby finds that Lot 18 in Block 132 on the Official Tax Map of the Township of Marlboro in the County of Monmouth and State of New Jersey, is an area in need of redevelopment for the reasons set forth in the Redevelopment Study and the Planning Board's Resolution of Memorialization, specifically that the Premises meet the "b" and "d" criteria set forth in N.J.S.A. 40A-12A-5.

NOW THEREFORE BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Premises known as Lot 18 in Block 132 on Official the Tax Map of the Township of Marlboro in the County of Monmouth and State of New Jersey, is hereby designated as an area in need of redevelopment for the reasons set forth above and incorporated herein by reference.

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

- a. Mayor Jonathan L. Hornik
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Marlboro Township Planning Board
- e. Commissioner, Department of Community Affairs
- f. Any person who filed a written objection to the determination of an area in need of redevelopment

The following Res. # 2009-330 (Authorizing an Amendment to the Agreement with CME in connection with HDSRF Grant Application for B. 157, L.34.01) was introduced by reference, offered by Council President Rosenthal, seconded by Council Vice President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-330

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES FOR THE PREPARATION OF THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND ("HDSRF") APPLICATION FOR BLOCK 157, LOT 34.01, CONOVER ROAD, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, the Township is seeking a grant from the Hazardous Discharge Site Remediation Fund ("HDSRF") to conduct a site investigation of the property known as Block 157, Lot 34.01 on the official tax map of the Township of Marlboro located at Conover Road and is in need of professional environmental consulting services to prepare and submit the grant application (the "Professional Services") to the New Jersey Department of Environmental Protection ("NJDEP"); 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 \$2,500.00 for such additional Professional Services as further described and set forth in CME's written proposal dated August 20, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account T-15-56-859-815; 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 Chapter 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 \$2,500.00 for such additional Professional Services described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure 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. # 2009-347 (Authorizing an Amendment to the Agreement with CME in connection with HDSRF Grant Application for B. 159, L.11) was introduced by reference, offered by Council President Rosenthal, seconded by Council Vice President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-347

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES FOR THE PREPARATION OF THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND ("HDSRF") APPLICATION FOR BLOCK 159, LOT 11, THE FORMER SITE OF THE MARLBORO STATE PSYCHIATRIC HOSPITAL, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, the Township is seeking a grant from the Hazardous Discharge Site Remediation Fund ("HDSRF") to conduct a site investigation of the property known as Block 159, Lot 11 on the official tax map of the Township of Marlboro, located at Route 520, the former site of the Marlboro State Psychiatric Hospital, and is in need of professional environmental consulting services to prepare and submit the grant application (the "Professional Services") to the New Jersey Department of Environmental Protection ("NJDEP"); 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 \$2,500.00 for such additional Professional Services as further described and set forth in CME's written proposal dated August 20, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account T-15-56-859-815; 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 Chapter 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, subject to the availability of funds.

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 \$2,500.00 for such additional Professional Services described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure 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. # 2009-331 (Resolution Urging Elimination of State-Imposed Unfunded Mandates) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-331

RESOLUTION URGING ELIMINATION OF
STATE-IMPOSED UNFUNDED MANDATES

WHEREAS, in 1995, New Jersey voters approved an amendment to the State Constitution that was supposed to curb lawmakers' penchant for mandating new programs for state and local governments without giving them the necessary funding; and

WHEREAS, in order to implement the law, the legislature established the Council on Local Mandates, whose job is to review complaints from the local government entities and then make a determination on whether new statutory or regulatory impositions by the State constituted "unfunded" mandates; and

WHEREAS, under the law, if a statute or regulation is deemed by the Council to be an "unfunded" mandate, it ceases to be mandatory and expires; and

WHEREAS, 12 years later, the Council has made only eight decisions and in only two of those did the Council rule in favor of local governments. In one of those cases, the decision was

pointless because the Council has no power to force the State to comply and local governments have no right to seek redress in the courts; and

WHEREAS, clearly, this is not the reform that people thought they were voting for in 1995. Proof is that property taxes in New Jersey, which the people were seeking to control with the amendment, have nearly doubled since then; and

WHEREAS, the New Jersey Association of Counties (NJAC) has proposed that local and county officials join forces to push for a complete overhaul of the Council on Local Mandates, which in its view clearly has not satisfied the voters, desire for reform; and

WHEREAS, NJAC has also proposed the following:

- 1) Change the composition of the Council on Local Mandates because under the law, Members of the Council are appointed by the Governor, the Legislature and the Chief Justice of the State Supreme Court, the makers of mandates.
- 2) A review of the obvious flaw that state appointees, such as judges and prosecutors, can force county governments to hire Court personnel and expand facilities, all without approval from voters or their elected representatives.
- 3) A review of the provision that states while State officials can appeal to the Courts, County and local officials don't have that option. Under the law, decisions made by the Council on Local Mandates are not eligible for judicial review. Furthermore, when the Council makes a decision in favor of a local government, the State is free to ignore it without consequence.
- 4) A complete review of the section "unfunded mandates" Law delineating the exemptions. This should included a top to bottom review of all State mandates that would require the State to repeal the outdated ones and pay for the rest; and

NOW, THEREFORE, BE IT RESOLVED that the Township of Marlboro of the County of Monmouth urges the elimination of State-imposed unfunded mandates.

BE IT FURTHER RESOLVED that the Township of Marlboro strongly supports the New Jersey Association of Counties and all of its proposals to deal with the problems caused by Unfunded mandates.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to Governor Jon Corzine, the Legislative Delegation representing Monmouth County, the Boards of Chosen Freeholders of each county in New Jersey and the Mayors and governing bodies of every municipality in Monmouth County.

The following Res. # 2009-332 (Denial of Bond Release - Kyoto) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca. There was a brief discussion between Council members and Township Engineer Ernest Peters after which the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-332

RESOLUTION DENYING REQUEST FOR CASH PERFORMANCE GUARANTEES HELD BY THE TOWNSHIP OF MARLBORO FOR THE DEVELOPMENT KNOWN AS KYOTO HOUSE RESTAURANT, BLOCK 294, LOT 1, ALSO KNOWN AS 420 ROUTE 9 NORTH, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from the Kyoto House Restaurant (hereinafter "Developer") for the release of a Township held Performance Guarantee in the form of Cash for site improvements at a development known as Kyoto House Restaurant on the property known as Block 294, Lot 1, also known as 420 Route 9 North, Marlboro, New Jersey on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 13, 2009, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the cash bond (Original Cash Bond Amount \$2,500.00, Present Cash Bond Amount \$3423.27) not be released as a result of deficiencies noted report of the Township Engineer; and

WHEREAS, the Township Council desires to deny the request for the release of the Cash Performance Guarantee in accordance with the recommendation of the Township Engineer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the request for the reduction of Cash Performance Guarantee for the Kyoto House Restaurant in the Original Cash Bond Amount of \$2,500.00 and in the Present Cash Bond Amount of \$3,423.27 is hereby denied.

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

- a. Kyoto House Restaurant
- b. James Addonizio, Esq.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-333 (Bond Release Marlboro Memorial Cemetery) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-333

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES FOR MARLBORO MEMORIAL CEMETERY, BLOCK 153,
LOT 15 AND BLOCK 169, LOT 2, ALSO KNOWN AS
361 ROUTE 79, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for site improvements at the Marlboro Memorial Cemetery, Block 153, Lot 15 and Block 169, Lot 2, also known as 361 Route 79, Marlboro, New Jersey, posted by Marlboro Memorial Cemetery (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 13, 2009 regarding the Marlboro Memorial

Cemetery site improvements, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of cash (Original Cash Bond Amount \$5,000.00, Present Cash Bond Amount \$6,402.00) being held by the Township be released in its entirety, conditioned upon the payment of engineering inspection fees of \$600.00 for the cost of outstanding engineering charges to date, as well as any additional engineering charges necessary for the close out of the project; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid cash Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantees, in the form of cash, (Original Cash Bond Amount \$5,000.00, Present Cash Bond Amount \$6,402.00) posted by Developer for site improvements at the Marlboro Memorial Cemetery, Block 153, Lot 15 and Block 169, Lot 2, also known as 361 Route 79, Marlboro, New Jersey, shall be released in their entirety, conditioned upon the payment of engineering inspection fees of \$600.00 for the cost of outstanding engineering charges to date, as well as any additional engineering charges necessary for the close out of the project; and

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

- a. Marlboro Memorial Cemetery
- b. James Addonizio, Esq.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-335 (Award of Contract - Local, Regional and Long Distance Phone Services - Broadview Networks, Inc.) was introduced by reference, offered by Council Vice President LaRocca; seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-335

A RESOLUTION AWARDING A CONTRACT TO BROADVIEW NETWORKS,
INC. FOR LOCAL, REGIONAL AND LONG DISTANCE TELEPHONE
SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of local, regional and long distance telephone services in order to conduct the business of the Township of Marlboro; and

WHEREAS, the provision of local telephone services is regulated by the New Jersey Board of Public Utilities (the "BPU") which requires that telephone service providers be authorized by the BPU and further require that telephone service providers have their tariffs on file with the BPU; and

WHEREAS, the Business Administrator has recommended that a contract to provide local, regional and long distance telephone services be awarded to Broadview Networks, Inc., (the "Contractor") consistent with the proposal of Broadview Network which is attached hereto and consists of four pages, with two pages entitled "GR Voice T-1 & PRI - Order Form" and two pages entitled "New Customer Enrollment Form and Letter of Agency", (collectively the "Proposal"); and

WHEREAS, Broadview Networks, Inc., appears on the list of Local Service Providers published by the Board of Public Utilities who are permitted to offer local telephone services in the State of New Jersey; and

WHEREAS, the Township is permitted to enter into a contract without publicly advertising for bid if the subject matter of the contract is the supplying of any product or service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities pursuant to N.J.S.A. 40A:11-5(1)(f); and

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

WHEREAS, funds are available from the following accounts:
9-01-162-232; and

WHEREAS, the Township Council deemed it necessary for the proper function of the Township to enter into a contract for the purchase of local, regional and long distance telephone services.

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a contract to Broadview Networks, Inc., to provide local, regional and long distance telephone services pursuant to the Proposal described above; and

2. This Goods and Services Contract is awarded for a one year period without public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(f); and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the contract for goods and services on behalf of and in the name of the Township of Marlboro; and

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

- a. Broadview Networks, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-336 (Award of Contract - 2009/2010 Snowplowing) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-336

A RESOLUTION AUTHORIZING THE ONE-YEAR EXTENSION OF CONTRACTS AWARDED FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE WINTER OF 2009/2010 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of Snow Removal Services in Sections 1 through 9 in the Township of Marlboro for the winter of 2008/2009; and

WHEREAS, two bids received on July 8, 2008 were rejected pursuant to Resolution #2008-267 because both bids were deemed unresponsive to the bid specifications; and

WHEREAS, Resolution #2008-267 also authorized the re-bid of snow removal contracts for sections 1 through 9 and in response to the advertisement for re-bid three bids were received on August 26, 2008; and

WHEREAS, Resolution #2008-310 awarded the following contracts at the rates noted in Resolution #2008-310:

| <u>Section Number</u> | <u>Number of Vehicles</u> | <u>Contractor</u> |
|-----------------------|---------------------------|-------------------------|
| 2 | 6 | Lucas Construction |
| 3 | 3 | Lucas Construction |
| 5 | 3 | Triple C Nurseries |
| 8 | 2 | Triple C Nurseries; and |

WHEREAS, no responsive bids were received on August 25, 2008 for Sections 1, 4, 6, 7 and 9; and

WHEREAS, N.J.S.A. 40A:11-5(3) provides that a contract, the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising if bids have been advertised pursuant to N.J.S.A. 40A:11-4 on two occasions and no bids have been received, or that bids have been advertised on two occasions and on one occasion no bid was received and on one occasion bids were rejected; and

WHEREAS, the Township proceeded to negotiate snow removal contracts for Sections 1, 4, 6, 7 and 9 and awarded the following contracts at the rates noted in Resolution #2008-360:

| <u>Section Number</u> | <u>Number of Vehicles</u> | <u>Contractor</u> |
|-----------------------|---------------------------|--------------------------------|
| 4 | 3 | Lucas Brothers |
| 6 | 4 | Shamrock Lawn & Landscape |
| 7 | 4 | Lucas Brothers |
| 9 | 3 | Shamrock Lawn & Landscape; and |

WHEREAS, the Township awarded the following contract pursuant at the rates noted in Resolution #2008-381

| <u>Section Number</u> | <u>Number of Vehicles</u> | <u>Contractor</u> |
|-----------------------|---------------------------|-----------------------|
| 1 | 4 | L.J. Pesce, Inc.; and |

WHEREAS, the contracts awarded to the above noted contractors for Sections 1 through 9 each incorporated therein specifications; and

WHEREAS, the contract specifications provide in Section 12 that the Township reserved the right to extend the respective contract for one (1) year at the current bid price; and

WHEREAS, the Department of Public Works and the Business Administrator have recommended that the Township extend each of the respective contracts for a one (1) year period at the current bid price, as permitted by the Local Public Contracts Law and each contractor has agreed to perform its contract for the 2009/2010 snow season at the same prices as set forth in the 2008/2009 contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the following contracts, subject to the availability of funds, are hereby awarded for snow plowing services for the winter of 2009/2010:

| <u>2009</u> | | | | | |
|----------------|---------|------------------|-----------------|----------------|------------------|
| Company | Section | Hourly Rate (\$) | No. of Vehicles | Setup Fee (\$) | Total Award (\$) |
| Shamrock | 6 | 180.00 | 4 | 1,000.00 | 8,200.00 |
| Shamrock | 9 | 180.00 | 3 | 600.00 | 6,000.00 |
| Total | | | | | 14,200.00 |
| Lucas Brothers | 4 | 180.00 | 3 | 750.00 | 6,150.00 |
| | 7 | 180.00 | 4 | 1,000.00 | 8,200.00 |
| Total | | | | | 14,350.00 |
| Lucas Constr. | 2 | 180.00 | 6 | 1,500.00 | 12,300.00 |
| | 3 | 180.00 | 3 | 750.00 | 6,150.00 |
| Total | | | | | 18,450.00 |
| L.J. Pesce | 1 | 180.00 | 4 | 900.00 | 8,100.00 |
| Total | | | | | 8,100.00 |
| Triple C | 5 | 224.45 | 3 | 750.00 | 7,483.50 |
| | 8 | 224.45 | 2 | 500.00 | 4,989.00 |
| Total | | | | | 12,472.50 |

2010

| Company | Section | Hourly Rate (\$) | No. of Vehicles | Setup Fee (\$) | Total Award (\$) |
|----------------|---------|------------------|-----------------|----------------|------------------|
| Shamrock | 6 | 180.00 | 4 | N/A | 21,600.00 |
| | 9 | 180.00 | 3 | N/A | 16,200.00 |
| | Total | | | | 37,800.00 |
| Lucas Brothers | 4 | 180.00 | 3 | N/A | 16,200.00 |
| | 7 | 180.00 | 4 | N/A | 21,600.00 |
| | Total | | | | 37,800.00 |
| Lucas Constr. | 2 | 180.00 | 6 | N/A | 32,400.00 |
| | 3 | 180.00 | 3 | N/A | 16,200.00 |
| | Total | | | | 48,600.00 |
| L.J. Pesce | 1 | 180.00 | 4 | N/A | 21,600.00 |
| | Total | | | | 21,600.00 |
| Triple C | 5 | 224.45 | 3 | N/A | 20,200.50 |
| | 8 | 224.45 | 2 | N/A | 13,467.00 |
| | Total | | | | 33,667.50; and |

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available in 2009 for the aforesaid contracts from the following Account: 09-01-119-276; and

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

- a. Shamrock Lawn & Landscape, Inc.
- b. Lucas Brothers, Inc.
- c. Lucas Construction
- d. L.J. Pesce, Inc.
- e. Triple C Nurseries
- f. Mayor Jonathan Hornik
- g. Township Administrator
- h. Township Director, Dept. of Public Works
- i. Township Chief Financial Officer
- j. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Res. # 2009-337 (Authorizing refund of Non-Residential Development Fees - Landkor Realty, LLC), Res. # 2009-338 (Authorizing refund of Non-Residential Development Fees - 107 Route 79 Associates, LLC) and

Res. # 2009-339 (Authorizing refund of Non-Residential Development Fees - Triangle Business Park) were removed from the agenda, as the necessary paperwork had not been submitted.

The following Res. # 2009-340 (Authorizing Developer's Agreement Lucas Holding, LLC and Lucas Development, LLC - B. 172, L. 40.07) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Tragni. There was a brief discussion between Council members and Township Attorney Jonathan Williams after which the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-340

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS HOLDING, LLC AND LUCAS DEVELOPMENT, LLC FOR SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 172, LOT 40.07, MARLBORO, NEW JERSEY

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution granting Site Plan Approval for the site located on property known as Block 172, Lot 40.07 on the official tax map of the Township of Marlboro, County of Monmouth, State of New Jersey; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, Lucas Holdings, LLC and Lucas Development, LLC, for the Site Plan Approval for the site known as Block 172, Lot 40.07 on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, the negotiation and preparation of which shall be paid

for from the Developer's escrow account held by the Township of Marlboro; and

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

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

The following Res. # 2009-341 (Approving LOSAP Payment) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-341

WHEREAS, the Township of Marlboro makes annual LOSAP contributions (Length of Service Awards Program), for the volunteers who meet the annual qualifications as certified by the LOSAP Chairman of both the Marlboro and Morganville First Aid Squads, and

WHEREAS , the Township of Marlboro passed Ordinance 2008-2 in 2008 which prospectively increased the annual LOSAP contribution by the amount of the regional Consumer Price Index, and

WHEREAS, the LOSAP contribution for the calendar year of 2008 will be made from the 2009 municipal budget and this is the first payment that is addressed by the aforementioned ordinance thereby increasing the annual contribution to \$1,190.25 per qualifying participant, and

WHEREAS due to staff error the volunteer members of the Morganville First aid Squad were mistakenly paid at the increased rate for the 2007 contribution made in 2008,

NOW, THEREFORE, BE IT RESOLVED by resolution of the Township Council of the Township of Marlboro that the 2008 payments associated with the LOSAP program to be made from the 2009 municipal budget be made pursuant to the attached participant listings which have been submitted by the LOSAP Chairman from each squad and the necessary adjustment for the over payment of the Morganville First

Aid Squad be reflected in this years' LOSAP payment to the Morganville First Aid Squad.

Marlboro First Aid Squad

42 Qualifying Members @ \$1,190.25 = \$49,990.50

Morganville First Aid Squad

24 Qualifying Members @ \$1,150.00 = \$27,600.00

Total Payment = \$77,590.50

The following Res. # 2009-342 (Appointment of Recycling/Clean Communities Coordinator - Suzanne Rubenstein) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-342

RESOLUTION SUPPORTING THE APPOINTMENT OF SUZANNE RUBENSTEIN AS THE CLEAN COMMUNITIES COORDINATOR AND RECYCLING COORDINATOR

WHEREAS, Section 72-24 of the Code of the Township of Marlboro authorizes the Mayor to appoint a Clean Communities Coordinator and Recycling Coordinator; and

WHEREAS, the Mayor has appointed Suzanne Rubenstein as the Clean Communities Coordinator and Recycling Coordinator.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Council supports the appointment of Suzanne Rubenstein as the Clean Communities Coordinator and Recycling Coordinator.

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

- a. Suzanne Rubenstein
- b. Township Administrator
- c. Director of Public Works
- d. Decotiis, Fitzpatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2009-343 (Raffle License - Middlesex County Bar Foundation - On Premise Merchandise), Res. #2009-344 (Raffle License - Dad's Gridiron Club - On Premise Merch., Res. #2009-345 (Raffle License - Dad's Gridiron Club - On Premise 50/50) and Res. #2009-346 (Raffle License - Italian American Association of Mon. Cty - On Premise 50/50).

RESOLUTION # 2009-343

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 22-09 (On Premise Merchandise) be and it is hereby granted to Middlesex County Bar Foundation, 87 Bayard Street, New Brunswick, NJ 08901.

BE IT FURTHER RESOLVED that said Raffle will be held on October 5, 2009 from 7:30 AM - 7:30 PM at Bella Vista Country Club, 100 School Road East, Marlboro, NJ 07746.

RESOLUTION # 2009-344

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 23-09 (On Premise Merchandise) be and it is hereby granted to Dads Gridiron Club, Inc., 59 Points Road, Colts Neck, NJ 07722.

BE IT FURTHER RESOLVED that said Raffle will be held on October 22, 2009 from 2:00 PM at Bella Vista Country Club, 100 School Road East, Marlboro, NJ 07746.

RESOLUTION # 2009-345

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 24-09 (On Premise 50/50) be and it is hereby granted to Dads Gridiron Club, Inc., 59 Points Road, Colts Neck, NJ 07722.

BE IT FURTHER RESOLVED that said Raffle will be held on October 22, 2009 from 2:00 PM at Bella Vista Country Club, 100 School Road East, Marlboro, NJ 07746.

RESOLUTION # 2009-346

BE IT RESOLVED by the Township Council of the Township

