

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 25, 2008

The Marlboro Township Council held its rescheduled meeting on September 25, 2008 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this rescheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on August 8, 2008; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the Township Website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Councilwoman Marder, Council Vice President Rosenthal, Councilwoman Tragni (8:10pm) and Council President Cantor.

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

Councilwoman Tragni moved that the minutes of September 4, 2008 be approved. This motion was seconded by Councilman LaRocca and the minutes were passed on a roll call vote of 5 - 0 in favor.

The following Resolution # 2008-316/Ord. # 2008-28 (As Amended) Amend Chapter 84 - Fences Certain Rear Yards on Vanderburg Road) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Marder. After discussion, the resolution/ordinance was then passed on a roll call vote of 3 - 1 in favor with Council Vice President Rosenthal abstaining and Councilwoman Tragni voting no.

RESOLUTION # 2008-316

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

ORDINANCE # 2008-28 (As Amended)

AN ORDINANCE AMENDING ORDINANCE No. 2008-28, AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS, ARTICLE III, "ZONING STANDARDS AND REGULATIONS, SECTION 58 "FENCES", BY ADDING A NEW SECTION 84-58(A)(10) TO PERMIT FENCES EIGHT FEET IN HEIGHT ABOVE GROUND LEVEL FOR CERTAIN REAR YARDS OF PROPERTIES LOCATED ON VANDERBURG ROAD BETWEEN CLYMER COURT AND BOUNDARY ROAD THAT ARE IN THE SITE LINE OF COMMERCIALY OR INDUSTRIALLY ZONED PROPERTY

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 16, 2008 at 8:00 p.m. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey 07726 at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-28 (As Amended)

AN ORDINANCE AMENDING ORDINANCE No. 2008-28, AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS, ARTICLE III, "ZONING STANDARDS AND REGULATIONS, SECTION 58 "FENCES", BY ADDING A NEW SECTION 84-58(A)(10) TO PERMIT FENCES EIGHT FEET IN HEIGHT ABOVE GROUND LEVEL FOR CERTAIN REAR YARDS OF PROPERTIES LOCATED ON VANDERBURG ROAD BETWEEN CLYMER COURT AND BOUNDARY ROAD THAT ARE IN THE SITE LINE OF COMMERCIALY OR INDUSTRIALLY ZONED PROPERTY

WHEREAS, Chapter 84, Land Use Development And Regulations , Article III, Zoning Standards and Regulations, Section 58, Fences, sets forth regulations that fences shall not exceed six feet (6') in height above ground level for any side or rear yard area in the Township of Marlboro; and

WHEREAS, Chapter 84, Land Use Development And Regulations , Article III, Zoning Standards and Regulations,

Section 58, Fences, permits certain exceptions to the aforementioned rule that fences shall not exceed six feet (6') in height above ground level for any side or rear yard area in the Township of Marlboro; and

WHEREAS, the Council determined that an additional exception be created to permit fences to exceed six feet (6') above ground level for certain rear yards of properties located on Vanderburg Road between Clymer Court and Boundary Road that are in the sight line of commercially or industrially zoned property in the Township of Marlboro; and

WHEREAS, Ordinance No. 2008-28 which amends and supplements Chapter 84, Land Use Development And Regulations, Article III, Zoning Standards and Regulations, Section 58, Fences, by adding a new Section 84-58(A)(1) to permit fencing eight feet (8') in height above ground level for certain rear yards of properties located on Vanderburg Road between Clymer Court and Boundary Road that are in the site line of commercially or industrially zoned property (the "Ordinance"), was introduced at the September 4, 2008 meeting of the Marlboro Township Council; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-26, the Ordinance was referred to the Marlboro Township Planning Board for its review and recommendation; and

WHEREAS, on September 17, 2008, a public hearing regarding the Ordinance took place before the Marlboro Township Planning Board, whereupon after review of the Ordinance, the Planning Board found the Ordinance substantially consistent with the Township Master Plan; and

WHEREAS, on September 17, 2008, the Planning Board issued its recommendation to the Township Council that additional language be added to the Ordinance providing additional conditions related to residential lots permitted to have rear yard fences on their lot frontage along Vanderburg Road; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to the inclusion of the Marlboro Township Planning Board's recommended amendments to the Ordinance; and

WHEREAS, the Mayor and Township Council have recommended additional amendments to the proposed Ordinance.

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 84-58(A) be and is hereby amended and supplemented to create a new Sub-Section 84-58(A)(10) to permit fences eight feet (8') feet in height above ground level for certain rear yards of properties located on Vanderburg Road between Clymer Court and Boundary Road that are in the sight line of commercially or industrially zoned property and to permit residential lots with frontage on Vanderburg Road being to have a rear yard fence on lot frontage along Vanderburg Road as follows:

**84-58(A)(10).** Rear yard fences not exceeding eight feet (8') in height above ground level are permitted in the rear yard of property located on Vanderburg Road between Clymer Court and Boundary Road, provided that: (1) all rear yard fences erected pursuant to this subsection shall be erected to present a uniform top height, with no gaps or other variations in top height permitted; (2) the rear yard is in the sight line of commercially or industrially zoned property, (3) there shall be a berm on the outside of the fence between the fence and the property line; (4) the fence shall be in uniformity with the fence on the adjacent property if the adjacent property fence is in excess of six feet (6') pursuant to the authorization and conditions of this Section; and (5) a row of evergreen trees six feet (6') to eight feet (8') in height shall be planted, each tree to be planted five feet (5') off center on the berm.

In accordance with the provisions of this section, and irrespective of other restrictions governing the setback of fences on corner lots and lots with more than one street frontage, a residential lot with frontage on Vanderburg Road is permitted to have a rear yard fence on its lot frontage along Vanderburg Road provided that, in addition to the above provisions, each of the following conditions are met:

- (a) The residential lot has lot frontage on two or more streets, one of which is Vanderburg Road; and

- (b) There is no vehicular access to the residential lot from Vanderburg Road; and
- (c) The fence shall be no closer than ten (10) feet to any sidewalk within a street right-of-way; and
- (d) The fence shall not be located within the required sight triangle of any street intersection.

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

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

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

The following Resolution # 2008-317/Ord. # 2008-29 (Amend Chapter 84 - Requiring Certain Environmental Information be supplied by applicants to Planning/Zoning Board) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Rosenthal. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-317

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

ORDINANCE # 2008-29 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, LAND USE DEVELOPMENT AND REGULATIONS, ARTICLE VIII, "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS",

BY ADDING A NEW CHAPTER 106 ENTITLED "SITE INVESTIGATION  
AND SOIL SAMPLING REPORTS"

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 16, 2008 at 8:00 p.m. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey 07726 at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-29 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84,  
LAND USE DEVELOPMENT AND REGULATIONS, ARTICLE VIII,  
"SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS",  
BY ADDING A NEW CHAPTER 106 ENTITLED "SITE INVESTIGATION  
AND SOIL SAMPLING REPORTS"

WHEREAS, Article VIII of Chapter 84 "Land Use Development and Regulations" sets forth Design and Performance Standards for development in the Township; and

WHEREAS, the Council has determined that a new Chapter entitled "Site Investigation and Soil Sampling Reports" should be added to Chapter 84 to provide standards under which certain environmental reports should be provided in connection with a development application before the Planning or Zoning Board.

WHEREAS, Ordinance No. 2008-29 which amends Chapter 84 Land Use Development and Regulations, Article VIII, Subdivisions: Design and Performance Standards, by adding a new Sub-Chapter 106 entitled, Site Investigation and Soil Sampling Reports, (the "Ordinance"), was introduced at the September 4, 2008 meeting of the Marlboro Township Council; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-26, the Ordinance was referred to the Marlboro Township Planning Board for its review and recommendation; and

WHEREAS, on September 17, 2008, a public hearing regarding the Ordinance took place before the Marlboro Township Planning Board, whereupon after review of the Ordinance, the Planning Board found the Ordinance substantially consistent with the Township Master Plan; and

WHEREAS, on September 17, 2008, the Planning Board issued its recommendation to the Township Council that additional language be added to the Ordinance to provide that investigation reports be done within six (6) months of the application's submission and that recreational properties not be exempted; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to the inclusion of the Marlboro Township Planning Board's recommended amendments to the Ordinance.

NOW THEREFORE, BE IT 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 VIII, Subdivisions: Design and Performance Standards, shall be amended by adding a new Sub-Chapter 106 entitled, Site Investigation and Soil Sampling Reports, as follows:

84-106 SITE INVESTIGATION AND SOIL SAMPLING REPORTS

84-106.1 (a) Prior to any development application (including major or minor subdivision and site plan approvals) being deemed complete by the township's administrative officer, a preliminary site investigation report and soil sampling report, as set forth in this chapter shall be filed by the applicant.

- (b) Exemptions. No applicant shall be required to submit a preliminary site investigation report and soil testing report for the following types of applications:
1. applications for signage;
  2. applications for bulk variances in connection with decks, pools, and/or sheds for existing uses;
  3. applications for minor subdivisions which create no new lots;
  4. applications for site plan waivers;
  5. applications making minor revisions to existing site plans;
  6. applications involving open space and continued farming; and
  7. applications for sites for which final approval has previously been granted

Notwithstanding the foregoing exemptions, a preliminary site investigation report and soil sampling report may be required at the direction of the respective land use board with jurisdiction over the application if the planning or zoning

board finds that based upon historical data, there is reason to believe that the site is potentially contaminated.

#### 84-106.2 REVIEW OF REPORTS

The Township's Environmental Commission shall review the preliminary site investigation report and soil testing report and provide its recommendation to the Board with jurisdiction over the application. In addition, the preliminary site investigation report and soil testing report shall be reviewed by the appropriate board professional who shall provide his or her recommendation to the Board with jurisdiction over the application.

#### 84-106.3 REQUIREMENTS FOR REPORTS

The reports shall be conducted and submitted in two parts.

(a) First, the applicant shall submit a Preliminary Site Investigation Report that shall have been prepared within six (6) months of applicant's submission that provides historical information on the previous uses of the proposed site so that potential contaminants or areas of concern can be identified prior to any soil sampling. The preliminary site investigation report shall be based upon diligent inquiry by the applicant and at a minimum shall contain the following:

1. Names of all present owners and operators, and all prior owners or operators of the site who have held an interest in the site in the last sixty (60) years.
2. Dates of ownership for each owner.
3. Dates of operation of each owner.
4. Description of past agricultural or industrial use of the site.
5. List of pesticides, herbicides, insecticides or other contaminants used or stored at the site.
6. Approximate period of time of use or storage of pesticides, herbicides, insecticides or other contaminant(s), as the term contaminant is defined in N.J.A.C. 7:26E-1.8, at the site.
7. Records relating to any past remedial activities.
8. Copies of all present and prior sampling data.
9. A scaled site plan or survey detailing lot/block numbers, property boundaries, buildings, storage or use areas for any pesticides, herbicides, insecticides or other contaminants, wetlands,

streams, ponds, septic and cesspool systems, underground storage tanks, and inactive and active wells.

10. Identification and delineation of all areas where non-indigenous fill materials were used on site.
11. A delineation of any areas believed to be contaminated including identification of the contaminant(s) present.

The Environmental Commission and Board Professionals shall review the preliminary site investigation report within 45 calendar days of receipt. Incomplete preliminary site investigation reports shall be returned to the applicant with comments for re-submittal. Following the acceptance of the preliminary site investigation report, the applicant shall submit a soil sampling report unless the administrative officer shall have waived the soil sampling report requirement based upon the recommendations of the Environmental Commission and Board Professionals that indicate that the applicant has satisfactorily demonstrated that the site has not historically been used for either agricultural or industrial uses resulting in contamination of the site.

(b) If the submittal of a Soil Sampling Report has not been waived pursuant to subsection (a), then a soil sampling report must be submitted that demonstrates that the sampling locations and sampling depths were biased towards areas of greatest potential contamination. If there is no basis for biasing sampling locations, one sample shall be taken every two acres. A minimum of one sample shall be taken at the proposed site. Sampling locations shall be identified on the site plan and affixed with GPS coordinates.

Unless otherwise directed by the administrative officer, all samples shall be analyzed for lead and or arsenic using USEPA method SW-846-6010B, and a pesticide scan performed using USEPA method SW-841-8081A. In the event additional contaminants are suspected to exist and/or identified in the preliminary site investigation report, the administrative officer may direct that appropriate analysis be performed using the applicable USEPA or NJDEP analytical protocol. The date(s) of the soil sampling event(s) must be provided, both by telephone and in writing, to the township's departments of engineering, planning and zoning, a minimum of ten calendar days prior to the collection of the samples.

The soil sampling report shall contain a table listing lead, arsenic, pesticides and other contaminants analyzed with the result of each parameter analyzed for each sample. An evaluation of each contaminant, including its potential impact upon groundwater or

nearby surface waters shall be included in the report. All sampling and analytical work, remediation, quality assurance and laboratory methods must be conducted in accordance with the most recent NJDEP Field Sampling Procedures Manual protocol in accordance with N.J.A.C. 7:26E-1 et seq., Technical Requirements for Site Remediation.

(c) In the event that a soil sampling report has not been submitted at the time that the application has been deemed complete, the Board with jurisdiction over the application retains the authority to require that a soil sampling report be submitted by the applicant. The Board with jurisdiction over the application may require a soil sampling report if it determines, based upon the records presented at the public hearing, and the testimony given, that there is reason to believe that the site is potentially contaminated. The Board with jurisdiction over the application may require that the soil sampling report be submitted prior to making a final determination on the merits of the application, or it may require that the soil sampling report be submitted as a condition of approval of the application.

#### 84-106.4 PROOF OF REMEDIAL ACTION

In the event that remedial action is required, or has occurred, as a result of the presence of contaminants at the site in excess of the NJDEP soil or ground water clean up criteria the applicant shall provide the following documentations with its application:

- a) Remedial action work plans or remedial action reports submitted to the NJDEP in accordance with the applicable technical regulations for Site Remediation.
- b) Copies of any correspondence from NJDEP indicating a deficiency with any plans or reports submitted.
- c) Copies of the no further action letter issued by NJDEP, including any conditions imposed by NJDEP thereto.
- d) Copies of any filed Deed Notices applicable to the site.

The Board with jurisdiction over the application may condition the approval of any development upon the requirement that a full site no further action letter be obtained from the NJDEP pursuant to N.J.S.A. 40:48-2.57.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so

adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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

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

The following Resolution # 2008-318/Ord. # 2008-30 (Amend Swim Pool Fees) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal. After discussion, the resolution/ordinance was then passed on a roll call vote of 4 - 1 in favor with Council President Cantor voting no.

RESOLUTION # 2008-318

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

ORDINANCE # 2008-30

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132 "TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND MARLBORO AQUATIC SWIMMING POOL FACILITY, MUNICIPAL" OF THE CODE OF THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on October 16, 2008 at 8:00 p.m. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey 07726 at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-30

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132 "TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND MARLBORO AQUATIC SWIMMING POOL FACILITY, MUNICIPAL" OF THE CODE OF THE TOWNSHIP OF MARLBORO

BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 132 Swimming Pool Facility, Municipal, Section 132-4, Membership and Other Fees, Sub-Section 132-4(E)(5) Swim Club Day Camp, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Sub-Section 132-4(E)(5), Swim Club Day Camp, to establish increased fees for non-resident swim club day camp participants and to provide priority membership for residents as follows:

132-4(E)(5) Swim Club Day Camp.

(a) Residents. The fee for children residing in Marlboro enroll in the Swim Club Day camp for the half-day program for the season shall be Four Hundred Seventy-Five Dollars (\$475.00) per child. The fee for children residing in Marlboro to enroll in the Swim Club day camp for the full-day program for the season shall be Six Hundred Twenty-Five Dollars (\$625.00) per child. Priority shall be given to children residing in Marlboro to register for the Swim Club Day Camp before registration is made available to non-resident children. The day camp refund policy shall be as follows:

(i) There will be no refund after March 31;

(ii) If a child is withdrawn prior to March 31, an administrative fee in the amount of Forty Dollars (\$40.00) shall be retained by the Swim Club Division; and

(iii) If a child is asked by the Swim Club management to leave camp during the first three weeks, only Twenty-Five Percent (25%) of the fee shall be refunded.

(b) Non-Resident. The fee for children not residing in Marlboro to enroll in the Swim Club Day Camp for the half-day program for the season shall be Five Hundred Twenty-Five Dollars (\$525.00) per child. The fee for children not residing in Marlboro to enroll in the Swim Club Day Camp for the full-day program for the season shall be Seven Hundred Twenty-Five Dollars (\$725.00) per child. The Swim Club Day Camp refund policy shall be as follows:

(i) There will be no refund after March 31;

(ii) If a child is withdrawn prior to March 31, an administrative fee in the amount of Forty Dollars (\$40.00) shall be retained by the Swim Club Division; and

(iii) If a child is asked by the Swim Club management to leave camp during the first three weeks, only Twenty-Five Percent (25%) of the fee shall be refunded.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 132 Swimming Pool Facility, Municipal, Section 132-4, Membership and Other Fees, Sub-Section 132-4(G)(4), Additional Miscellaneous Fees and Other Offers, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Sub-Section 132-(G)(4) to provide for increased fees for party set-ups as follows:

132-4(G)(4) Additional miscellaneous fees and other offers. The following additional fees and regulations shall be established for the season:

Set Up	Fee
2 Tables, 20 Chairs	\$35.00
Additional Tables:	\$ 5.00 each
Additional Chairs	\$ 1.00 each

At the discretion of the Swim Club Manager, a refund of all party fees paid may be made due to inclement weather.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 132 Swimming Pool Facility, Municipal, Section 132-7, Guest Books, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced by a new Section 132-7, Guest Books, to provide for an increase in coupon pricing, half priced coupons for four (4) hours before closing to two (2) hours before closing and to provide for new guest book regulations to be printed on the back of guest books as follows:

§ 132-7. Guest books.

A. Starting in October of each year, each member shall be entitled to purchase guest books in an amount to be determined by the Swim Club Division. Guests will be permitted into the facility only if accompanied by a member and upon presentation of guest book coupons. The fee for a guest book of Twenty (20) coupons shall be Three Dollars (\$3.00) per coupon or Sixty Dollars (\$60.00) per book.

B. The number of coupons required for admittance into the facility shall be as follows:

Daily Fee (weekdays,  
weekends and holidays)

After 4:00 p.m. Except  
Day with Late  
Night Programming

	Number of Tickets	Fee	Number of Tickets	Fee
Adult	4	\$9.00	2	\$4.50
Child	2	\$4.50	1	\$2.25
Senior	2	\$4.50	1	\$2.25

C. Half Price Admission. Admission shall be half the price listed from four (4) hours before closing to two (2) hours before closing. Half price admission shall be valid all days except, TGIF, holidays and special occasions and events.

D. New guest book regulations shall be printed on the back of guest books as follows:

"Guest book is sold for the exclusive use by the member listed below. The member whose name is listed below must present this book with their valid ID. Guest book void if front/rear cover removed. Coupons are void if detached. Payment for this book is non-refundable and non-transferable. Coupons used are non-refundable due to weather conditions.

Name. \_\_\_\_\_ Mem # \_\_\_\_\_  
½ coupon rate valid 2 hours before closing except  
TGIF, Holidays and Special Occasions/Events

E. In order to provide an incentive to the Swim Club staff, any staff member may purchase guest books for their own use.

F. The payment of guest books will not be refundable. Book will not have an expiration date and will be good from season to season.

G. Notwithstanding the foregoing, the Pool Manager may, at his or her discretion, curtail and/or eliminate guest privileges to avoid overcrowding of the Swim Club facility.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to

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

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

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

The following Resolution # 2008-319/Ord. # 2008-31 (Amend Dog License Fees) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Marder. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-319

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

ORDINANCE # 2008-31 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 "DOGS AND OTHER ANIMALS", ARTICLE I, "CONTROL OF DOGS AND CATS", SECTION 59-3 "LICENSING REQUIREMENTS", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REVISE  
DOG LICENSING FEES

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 16, 2008 at 8:00 p.m. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey 07726 at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-31 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 "DOGS AND OTHER ANIMALS", ARTICLE I, "CONTROL OF DOGS AND CATS", SECTION 59-3 "LICENSING REQUIREMENTS", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REVISE  
DOG LICENSING FEES

WHEREAS, N.J.S.A. 4:19-15.12 authorizes the Township to fix the sum to be paid annually for a dog license at an amount not less than \$1.50, or no more than \$21.00 and allows the Township to set the licensing fee for a three (3) year license at an amount not to exceed three (3) times the sum charged for an annual license; and

WHEREAS, N.J.S.A. 4:19-15.3 permits the Township to exempt from the payment of fees seeing eye dogs, service dogs or dogs used to assist deaf persons; and

WHEREAS, the Township desires to amend its ordinance governing the licensing of dogs and fees imposed for same.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article I, Control of Dogs and Cats, Section 59-3 Licensing Requirements, Sub-Section 59-3(A)(1), of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Sub-Section 59-3(A)(1), to revise provisions for dog license fees as follows:

§ 59-3. Licensing requirements.

A. Application for licenses. No dog of licensing age shall be allowed to be harbored in the Township of Marlboro without being licensed as hereinafter provided:

(1) The owner of any dog of licensing age harbored in the Township of Marlboro shall register annually said dog as to sex, breed, color and markings and whether such dog is of a long- or short-hair variety; the name, address and telephone number of the owner, name of dog and proof of rabies inoculation with the Division of Licenses and Permits and pay therefor an annual fee of \$12.00 for every neutered or spayed dog or \$15.00 for every non-neutered or non-spayed dog. In the event that more than two (2) dogs shall be registered, then each dog's registration fee thereafter shall be \$4.00 for neutered or spayed dogs and \$7.00 per non-neutered or non-spayed dogs. The same fees shall be charged for the annual renewal of each license and registration tag. In addition, the owners shall pay any statutory fees required by N.J.S.A. 4:19-15.3, 4:19-15.3b and 4:19-15.3c. Owners of seeing eye dogs, service dogs or dogs used to assist deaf persons must be licensed and registered, but shall be exempt from the payment of fees

pursuant to the authority granted to the Township by N.J.S.A. 19:15-12. License and registration tags shall expire on the last day of January of each year. The registration tag fee shall be forwarded within 30 days after collection to the State Department of Health. The remainder thereof is to be paid to the Treasurer of the Township of Marlboro, who shall place the same in a special account as provided by N.J.S.A. 4:19-15.11.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article I, Control of Dogs and Cats, Section 59-3 Licensing Requirements, Sub-Section 59-3(A)(4), of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Sub-Section 59-3(A)(4), to provide for increased penalties for those failing to license their dogs as follows:

§ 59-3. Licensing requirements.

A. (4) A penalty of \$5.00 shall be imposed after April 1st of any year for late registration of a dog required for licensing prior to that date under any of the sections of this Chapter.

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

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

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

The following Resolution # 2008-320/Ord. # 2008-32 (Amend Chapter 4 - Zoning Officer Responsible for Enforcing Lease Agreement) was introduced by reference, offered by

Councilwoman Tragni and seconded by Councilman LaRocca. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-320

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

ORDINANCE # 2008-32

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE XII "DEPARTMENT OF COMMUNITY DEVELOPMENT" SECTION 4-88, "DIVISION ZONING CODE ENFORCEMENT" TO EXPAND THE RESPONSIBILITIES OF THE ZONING CODE ENFORCEMENT OFFICER TO INCLUDE LEASE AGREEMENT ENFORCEMENT

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 16, 2008 at 8:00 p.m. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey 07726 at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-32

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE XII "DEPARTMENT OF COMMUNITY DEVELOPMENT" SECTION 4-88, "DIVISION ZONING CODE ENFORCEMENT" TO EXPAND THE RESPONSIBILITIES OF THE ZONING CODE ENFORCEMENT OFFICER TO INCLUDE LEASE AGREEMENT ENFORCEMENT

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Chapter 4, *Administration of Government*, Article XXI, *Department of Community Development*, Section 4-88, *Division of Zoning/Code Enforcement*, of the Code of the Township of Marlboro be and is hereby amended and supplemented to expand the responsibilities of the Zoning Code Enforcement Officer to include lease agreement enforcement as follows:

§ 4-88. Division of Zoning/Code Enforcement.

A. There shall be within the Department of Community Development a Division of Zoning/Code Enforcement, the head of which shall be the Zoning Officer/Code Enforcement Officer. The position(s) of Zoning Officer/Code Enforcement Officer, respectively, may be held simultaneously by the same individual.

B. The Zoning Officer is responsible for reviewing applications for zoning permits and the granting or denying of such permits in accordance with the zoning ordinances of the Township of Marlboro.

C. The Code Enforcement Officer performs various types of field and office work involved in ensuring that residences, places of business and citizens comply with various municipal ordinances (other than the State Sanitary Code or State Uniform Construction Code or any of its sub-codes). The Code Enforcement Officer shall be responsible for the enforcement of the regulatory ordinances of the Township, including but not limited to land use and zoning, and shall make such inspections of property and perform such investigations as may be necessary for the enforcement thereof. The Code Enforcement Officer shall be authorized to issue a summons in the name of the Township for a violation of any ordinance pertaining to land use, zoning or other regulatory ordinances and shall testify on behalf of the Township in litigated matters as requested by the Business Administrator.

D. The Code Enforcement Officer shall be responsible for the enforcement of the terms of any lease agreement entered into between the Township as landlord and any party as tenant, including, but not limited to, any lease agreement between the Township and any mobile home association.

E. In circumstances where the Township is the landlord, the Code Enforcement Officer shall be responsible for the enforcement of any rules and regulations adopted by the tenant that requires any subtenants or other uses of the Township's property to maintain said property in a reasonable state of repair, as well as compliance with all laws and regulations governing maintenance and repair. The Code Enforcement Officer shall be authorized to issue a summons in the name of the Township for a violation of any

such rules and regulations and shall testify on behalf of the Township in litigated matters as requested by the Business Administrator.

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

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

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

The following Resolution # 2008-321/Ord. # 2008-33 (Cable Franchise Renewal Ordinance) was removed from the agenda and will be brought up at a future meeting.

The following Resolution # 2008-322/Ord. # 2008-34 (Amend Chapter 62 - Registrar Fees) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-322

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

ORDINANCE # 2008-34

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES", ARTICLE III, "MUNICIPAL SERVICES", SECTION 62-4 "FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCREASE FEES FOR COPIES OF VITAL STATISTICS RECORDS AND TO PROVIDE FOR FEES FOR CORRECTIONS TO MARRIAGE LICENSES, DEATH CERTIFICATES, BIRTH CERTIFICATES AND DOMESTIC PARTNERSHIPS

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 16, 2008 at 8:00 p.m. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey 07726 at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-34

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES", ARTICLE III, "MUNICIPAL SERVICES", SECTION 62-4 "FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCREASE FEES FOR COPIES OF VITAL STATISTICS RECORDS AND TO PROVIDE FOR FEES FOR CORRECTIONS TO MARRIAGE LICENSES, DEATH CERTIFICATES, BIRTH CERTIFICATES AND DOMESTIC PARTNERSHIPS

BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 62 Fees, Article III, Municipal Services, Section 62-4 Fees, of the Code of the Township of Marlboro be and is amended and supplemented to provide for increased fees for copies of vital statistics records and to provide for fees for corrections to marriage licenses, death certificates, birth certificates and domestic partnership certificates as follows:

§ 62-4. Fees.

A. The Township Council of the Township of Marlboro hereby fixes and establishes the following fees to be charged for municipal services as follows:

Service Fee

Certified copies of vital statistics records, \$10.00  
including, but not limited to death certificates,  
marriage certificates and birth certificates,  
and domestic partnership certificates, per  
certificate

Corrections to marriage licenses, death certificates, \$10.00  
birth certificates and domestic partnership  
certificates, per certificate

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

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

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

The following Res. # 2008-323 (Requesting Shared Jurisdiction with State Over Marlboro Psychiatric Hospital) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-323

A RESOLUTION REQUESTING SHARED JURISDICTION WITH THE STATE OF NEW JERSEY OVER THE PROPERTY COMPRISING THE FORMER MARLBORO STATE PSYCHIATRIC HOSPITAL TO ASSIST IN LAW ENFORCEMENT AND PUBLIC SAFETY

WHEREAS, Block 159, Lot 11, Township of Marlboro, County of Monmouth, State of New Jersey, is property owned by the State of New Jersey (the "Property"); and

WHEREAS, such Property comprises the site of the former Marlboro State Psychiatric Hospital; and

WHEREAS, the buildings on the Property which are vacant and in a state of disrepair have been subject to trespass and vandalism; and

WHEREAS, trespass by the public onto the Property and buildings thereupon is not only a violation of state and local law, but a threat to the safety of persons trespassing thereupon due to the dilapidated nature of the Property; and

WHEREAS, law and public safety enforcement on the Property is currently under the jurisdiction of the State of New Jersey, prohibiting local law enforcement from assisting in the prevention

and penalization of public trespass and vandalism and other unlawful acts on the Property; and

WHEREAS, in the interest of the public safety and welfare, the Township Council of the Township of Marlboro desires to enter into an agreement providing for shared jurisdiction of the Property with the State of New Jersey in order to undertake law and public safety enforcement, and to enter into a Memorandum of Understanding with the State of New Jersey to set forth the terms and conditions of such shared jurisdiction of the Property.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Township desires to enter into an agreement with the State of New Jersey to provide for shared jurisdiction of the Property (as defined hereinabove) comprising the former Marlboro State Psychiatric Hospital for law and public safety enforcement; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Clerk to witness, a Memorandum of Agreement with the State of New Jersey, setting forth the terms of such shared jurisdiction over the former Marlboro State Psychiatric Hospital Property for law and public safety enforcement.

The following Resolutions were removed from the agenda and will be addressed at a future meeting: Res. # 2008-324 (Bond Release Crine Woods Section 2) and Res. # 2008-325 (Bond Release Restoration Bond Crine Woods Section 2).

The following Res. # 2008-326 (Award of Consumption License - Modern Star LLC) was introduced by reference, offered by Councilman LaRocca, and seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-326

A RESOLUTION AWARDING A PLENARY RETAIL CONSUMPTION  
LICENSE TO MODERN STAR LLC

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

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

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

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

WHEREAS, the Mayor and Township Council have indicated their desire to award one (1) Plenary Retail Consumption License to the highest qualified bidder Igor Maller of Morganville, New Jersey, for the sum of \$710,000.00, in accordance with the Bid Specifications issued by the Township; and

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

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

WHEREAS, the Mayor and the Township council have indicated that they are amenable to awarding the one (1) Plenary Retail Consumption License to Modern Star LLC, of Morganville, New Jersey of which Igor Maller is the sole member, as the highest qualified bidder for the sum of \$710,000.00, in accordance with the Bid Specifications issued by the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, subject to compliance with the Alcoholic Beverage Control Statutes, *N.J.S.A. 33:1-1 et seq*, and the approval of the New Jersey Division of Alcoholic Beverage Control and the provisions of Resolution #2008-251, one (1) Plenary Retail Consumption License is hereby awarded to Modern Star LLC, of Morganville, New Jersey, subject to the following terms and conditions:

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

(b) Payment of the State License Application Fee;

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

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

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

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

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

- a. Modern Star LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-327 (Authorizing SHARE Program Grant) was introduced by reference, offered by Councilwoman Tragni, and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-327

WHEREAS, the Governing Bodies of the Township of Marlboro, the Borough of Freehold and the Township of Freehold have agreed to apply for a SHARE (Sharing Available Resources Efficiently) Program Grant through

the State of New Jersey SHARE Program in the amount of \$10,000; and

WHEREAS, the Township of Marlboro has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made SHARE grants available to assist local units to study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of regulatory-mandated truck washing facilities that would be beneficial to some or all local units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Bodies of the Township of Marlboro, Borough of Freehold and the Township of Freehold that Marlboro Township will be the lead agency to apply for a grant for the purpose of a feasibility study of such an endeavor; and

BE IT FURTHER RESOLVED that all participating municipalities agree to provide an equal share of any required matching funds.

The following Res. # 2008-311 (Tabled 9/4) Purchase on State Contract - Copier) was removed from the agenda and will be addressed at the October 16<sup>th</sup> agenda.

The following Res. # 2008-328 (Purchase of Two Ford Escapes Bldg. Dept.) was introduced by reference, offered by Councilwoman Tragni, and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-328

RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2009  
FORD ESCAPE XLT 4X4S FOR THE MARLBORO TOWNSHIP  
BUILDING DEPARTMENT UNDER STATE CONTRACT #A70849

WHEREAS, the Marlboro Township Building Department has recommended that the Township purchase two (2) Ford Escape XLT 4x4s from Motors Fleet of Ocean, New Jersey under State Contract #A70849 for \$17,927.00 per each vehicle, for a

total amount not to exceed \$35,854.00 to replace one damaged vehicle and one older vehicle; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said vehicles to the Township of Marlboro Building Department; and

WHEREAS, funds are available in Account Number T-23-56-850-869 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicle for use by the Township Building Department to replace a damaged vehicle and an older vehicle.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase two (2) 2009 Ford Escape XLT 4x4s from Motors Fleet of Ocean, New Jersey under State Contract #A70849 for \$17,927.00 per each vehicle, for a total amount not to exceed \$35,854.00 for use by the Township Building Department to replace a damaged vehicle and an older vehicle; and

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

- a. Motors Fleet, Ocean, New Jersey
- b. Township Administrator
- c. Township Building Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-329 (Change Order Rec. Tennis Courts) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-329

RESOLUTION AUTHORIZING AND APPROVING CHANGE ORDERS  
#1, 2 & 3 AMENDING THE ORIGINAL CONTRACT BETWEEN  
THE TOWNSHIP OF MARLBORO AND THE RACQUET SHOP  
FOR THE REPAIR AND RESURFACING OF TENNIS  
COURTS AT VARIOUS LOCATIONS FOR THE TOWNSHIP OF  
MARLBORO DEPARTMENT OF RECREATION

WHEREAS, by Resolution #R-2007-345 the Township of Marlboro awarded a goods and services contract to The Racquet Shop of Colts Neck, New Jersey for the repair and resurfacing of tennis courts at various locations for the Township of Marlboro Department of Recreation (the "Project") for a total contract amount of \$94,195.00, comprising, in the aggregate, of the base bid of \$70,345.00 and the Alternate A bid in the amount of \$23,850.00 (the "Contract"); and

WHEREAS, the Project was approved in October of 2006, funded in June of 2007 and awarded in October of 2007, and, due to the lapse of time and weather conditions, the tennis courts deteriorated more quickly than was anticipated, whereupon the Contractor has requested three (3) Change Orders as follows:

Change Order #1 - Courts 5 & 6 - an additional \$5,650.00 is requested to remove and replace the existing net post and center anchors; and

Change Order #2 - Courts 3 & 4 - an additional \$5,650.00 is requested to remove and replace the existing net post and center anchors; and

Change Order #3- Courts 1 & 2 - an additional \$5,650.00 is requested to remove and replace the existing net post and center anchors;

For a total cost of \$16,950.00; and

WHEREAS, the Marlboro Township Recreation and Parks Commission has reviewed the Contract and the three (3) requested Change Orders and the underlying circumstances requiring such Change Orders to be proffered to the Township, and has recommended to the Township Council that such additional repairs, in the total amount of \$16,950.00, are required in order to complete the Project; and

WHEREAS, pursuant to *N.J.A.C. 5:30-11.1 et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount can be authorized by the governing body without additional bidding therefor and the requested Change Order is for approximately 17.99% of the original Contract amount.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor is authorized to execute Change Orders Nos. 1, 2 and 3 amending the Contract between the Township of Marlboro and The Racquet Shop of Colts Neck, New Jersey for the repair and resurfacing of tennis courts at various locations for the Township of Marlboro Department of Recreation, increasing the total contract amount from \$94,195.00 to \$111,145.00, reflecting a net increase of \$16,950.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for these Change Orders, which is attached hereto, and that sufficient funds are available for said Change Orders from the following Account Numbers: Change Order #1 BO 0455959-957 for \$5,650.00; and Change Orders #2 and 3 - BO 0455943-920 for \$11,300.00; and

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

- a. The Racquet Shop
- b. Chairman Recreation & Parks Commission
- c. Superintendent of Recreation & Parks Commission
- d. Township Administrator
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-195 (Tabled 6/5 - Authorizing Shared Services Agreement - DPW) was introduced by reference, offered by Council President Cantor, and seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-195

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT  
WITH THE TOWNSHIP OF MANALAPAN FOR DEPARTMENT OF

PUBLIC WORKS EQUIPMENT AND SERVICES

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, Mayor Jonathan Hornik has engaged in discussions with Mayor Michelle Roth of the Township of Manalapan to determine both Manalapan's willingness, and the feasibility of entering into a shared services agreement that would enable each respective municipality to use the department of public works equipment and/or personnel detailed on Schedule A of the Shared Services Agreement; and

WHEREAS, the Township of Manalapan has indicated that it desires to enter into a shared services agreement that would allow each respective municipality to use the department of public works equipment and/or personnel detailed on Schedule A of the Shared Services Agreement upon the terms and conditions set forth in the aforesaid agreement; and

WHEREAS, the Marlboro Township Council hereby finds and determines that a Shared Services Agreement with the Township of Manalapan that enables each respective municipality to use the department of public works equipment and/or personnel detailed on Schedule A of the Shared Services Agreement will enhance the ability of the Township of Marlboro to provide services, control property taxes and reduce expenses through the proposed Shared Services Agreement;

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 that will enable each respective municipality to use the department of public works equipment and/or personnel detailed in Schedule A of the Shared Services Agreement.

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 to become a party to a shared services agreement.

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.

4. 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

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

- a. Mayor Jonathan Hornik
- b. Mayor Michelle Roth
- c. Manalapan Town Clerk
- d. Marlboro Chief Financial Officer
- e. Manalapan Chief Financial Officer
- f. Marlboro Director of Public Works
- g. Manalapan Director of Public Works
- h. DeCotiis, FitzPatrick, Cole & Wisler, LLP
- i. Kevin E. Kennedy, Esq.

The following Res. # 2008-330 (Chapter 159 - "Stop for the Red or Stop for Us") was introduced by reference, offered by Council President Cantor, and seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-330

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 2008/09 in the sum of \$15,800.00, which item is now available as a revenue from the 2009 Stop for the red light or stop for us Grant, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$15,800.00 is hereby appropriated under the caption "Stop for the red light or stop for us Grant".

The following Res. # 2008-338 (Adding Vehicles - On Line Auction) was introduced by reference, offered by Councilman LaRocca, and seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-338

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

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

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

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

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

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

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

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated, September 25, 2008 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A" shall be sold by auction on-line by govdeals.com; and
3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and
6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information, and which states the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale in the official newspaper of the Township of Marlboro as follows:
  - a. An announcement of the auction and that the item(s) shall be sold on-line;
  - b. the internet address for the sale being advertised;
  - c. the date and time of the auction and a general description of the surplus personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required; and

- d. a statement that bidders must pre-register with the approved vendor and the internet address with registration information.

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

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

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

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2008-331 (Redemption Tax Sale Certs. - Various), Res. #2008-332 (Senior Citizen Deductions - Various), Res. #2008-333 (Veteran Deductions - Various), Res. #2008-334 (Refund for Overpayment B. 160, L. 79), Res. #2008-335 (Raffle License Marlboro Middle School PTA (Merch.)), Res. #2008-336 (Raffle License Marlboro Middle School PTA (50/50)).

RESOLUTION # 2008-331

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$61,856.59 per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$61,856.59 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
06-31	184/126	Berkshire Investment 5, LLC	\$ 36,832.70
	111 Valesi Drive	c/o Scott Borsack	

		13 Berkshire Drive West Windsor, NJ 08550	
07-33	262/14	Crusader Lien Services	1,281.09
	3 Bruce Road	179 Washington Lane Jenkintown, PA 19046	
07-35	339/27	Culmac Investors, Inc.	1,096.59
	9 Stone Lane	Box 251 Monmouth Beach, NJ 07750	
08-34	412.04/12	Edison Tax Services, LLC	16,841.90
	40 Kingfisher Court	1350 Liberty Avenue Hillside, NJ 07205	
08-41	116/18	The Approved Realty	1,760.45
	11 Lloyd Road	Group, LLC 60 Chambersbridge #4 Lakewood, NJ 08701	
08-42	120/20	NASDOM, LLC	1,346.58
	58 Tennent Road	1527 E. 35 Street Brooklyn, NY 11234	
08-44	122/2	Mary Tawadros	1,087.82 2
	Orchard Parkway	889 Old Bridge Turnpike East Brunswick, NJ 08816	
08-46	173/7 C0386	The Approved Realty	733.19
	386 Hampton Place	Group, LLC 60 Chambersbridge #4 Lakewood, NJ 08701	
08-54	255/21	Mary Tawadros	876.27
	19 Georgian Bay Dr.	889 Old Bridge Turnpike East Brunswick, NJ 08816	
			<hr/>
		TOTAL:	\$ 61,856.59

RESOLUTION # 2008-332

WHEREAS, Senior Citizen deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2008,

WHEREAS, taxes for the year 2008 have unpaid balances as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
176	7 C0945	Diane J. Crowley	\$250.00
945 Lily Court		945 Lily Court Morganville, NJ 07751	
412	307 C0028	Marie Louise Garone	250.00
28 Thrasher Court		28 Thrasher Court Marlboro, NJ 07746	
TOTAL:			<u>\$500.00</u>

RESOLUTION # 2008-333

WHEREAS, Veteran deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2008,

WHEREAS, taxes for the year 2008 have unpaid balances as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
367	2	George & Shirley Gougoulis	\$250.00
2 Oak Lane		2 Oak Lane Marlboro, NJ 07746	
385	4	Vera Santucci	250.00
14 Lansdale Drive		14 Lansdale Drive Marlboro, NJ 07746	
TOTAL:			<u>\$500.00</u>

RESOLUTION # 2008-334

WHEREAS, payments for the 2008 first half taxes have been received from the former assessed owner, Conover Hills, Inc., in the amount of \$487.32 for Block 160 Lot 79, located on Gallya Grove, based on the preliminary bill, and

WHEREAS, the above-mentioned property is now assessed to the Township of Marlboro for entire year of 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$487.32 to the above.

RESOLUTION # 2008-335

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 17-08 (On Premise Merchandise) be and it is hereby granted to Marlboro Middle School PTO, 355 County Road 520, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 29, 2008 from 6 - 10 PM at Marlboro High School, 95 N. Main Street, Marlboro. New Jersey 07746.

RESOLUTION # 2008-336

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 18-08 (On Premise 50/50) be and it is hereby granted to Marlboro Middle School PTO, 355 County Road 520, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 29, 2008 from 6 - 10 PM at Marlboro High School, 95 N. Main Street, Marlboro. New Jersey 07746.

At 10:10PM, Councilwoman Tragni moved that the meeting go into executive session for reason of discussing litigation and potential litigation. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session reconvened at 10:35PM.

RESOLUTION # 2008-337

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 25th day of September, 2008 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:50PM, Council President Cantor moved that the meeting be opened. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

The following Res. # 2008-339 (Appointing Thomas Howley Municipal Housing Liaison) was introduced by reference, offered by Councilwoman Tragni, and seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-339

RESOLUTION APPOINTING THOMAS HOWLEY AS MUNICIPAL  
HOUSING LIAISON FOR THE TOWNSHIP OF MARLBORO  
AFFORDABLE HOUSING PROGRAM

WHEREAS, on May 15, 2008, the Township of Marlboro adopted Ordinance #2008-15 revising Chapter 5, Affordable Housing, of the Township Code; and

WHEREAS, Section 5-14 of the Township Code establishes the position of Municipal Housing Liaison to act as the Township's liaison between the Council on Affordable Housing, the Township and any developer or sponsor of affordable housing; and

WHEREAS, Mayor Jonathan L. Hornik has appointed Thomas Howley as Municipal Housing Liaison for Affordable Housing, such position to be on a part-time basis, effective as of

September 25, 2008, for an annual salary of Five Thousand Dollars and 00/100 (\$5,000.00); and

WHEREAS, the Township Council of the Township of Marlboro approves of the Mayor's appointment of Thomas Howley as Municipal Housing Liaison for the Township of Marlboro's Affordable Housing Program at the terms stated hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro hereby approves the appointment of Thomas Howley as Municipal Housing Liaison for the Township of Marlboro's Affordable Housing Program on a part-time basis, effective as of September 25, 2008, for an annual salary of Five Thousand Dollars and 00/100 (\$5,000.00); and

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

- a. Thomas Howley
- b. Mayor Jonathan Hornik
- c. Alayne Shepler, Business Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-340 (Authorizing Contract Birdsall) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-340

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE  
EXISTING PROFESSIONAL SERVICES CONTRACT WITH  
BIRDSALL ENGINEERING, INC. TO COMPLETE CERTAIN  
EXISTING ENGINEERING PROJECTS IN THE  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the services of professional engineers are required for the inspection of improvements for the Centex Homes/Highland Point Developments, such engineering professionals to be appointed as a non-fair and open contract pursuant to the provisions of N.J.S.A 19:44A-20.5 by the Township of Marlboro; and

WHEREAS, CME Associates, the Township of Marlboro's consulting engineers have been requested to recuse themselves, based upon a potential or perceived potential conflict-of-interest; and

WHEREAS, said need is for certain specified professional services to be rendered or performed by a person or persons authorized by law to practice a recognized profession, whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1, et seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized training study, as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined and certified in writing that the value of the existing contract may exceed \$17,500.00 in the aggregate, but this contract does not exceed \$17,500.00; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer of the Township of Marlboro with the Township 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 Local Public Contracts Law, N.J.S.A., 40A:11-1, et seq., as amended, requires that this Resolution be publicly advertised; and

WHEREAS, the Township of Marlboro and Birdsall Engineering, Inc. have previously entered into a Professional Services Contract, awarded under a non-fair and open process and hereby seeks to amend such Contract to expand the scope of services to include the inspection of improvements at the Centex Homes/Hyland Point Developments for which the Township shall be billed at an hourly rate, not to exceed a total of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00).

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

1. The Township Council of the Township of Marlboro, in accordance with the Local Public Contracts Law, hereby authorizes

and approves the amendment of the existing Professional Services Contract with Birdsall Engineering, Inc. awarded under a non-fair and open process, to expand the scope of services to include engineering inspections services of the Centex Homes/Hyland Point Developments, such work to be billed at an hourly rate not to exceed a total of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00); and

2. The Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver said the Amendment to Contract for Professional Services on behalf of and in the name of the Township of Marlboro, such Amendment to be in a form acceptable to the Township Attorney; and

3. That the Determination of Value shall be placed on file with this Resolution; and

4. That a Business Entity Disclosure Certification certifying that Birdsall Engineering, Inc. has not made any reportable contributions that would bar the award of the Contract pursuant to Marlboro Township Code Chapter 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Chapter 26 or N.J.S.A. 19:44A-20.5 will be made during the term of the Contract has already been filed by Birdsall Engineering, Inc. with the Township of Marlboro, a copy of which shall be placed with the Amendment to the Professional Services Contract; and

5. That a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

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

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Mayor Jonathan L. Hornik
- d. Township Administrator
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-341 (Settling Global Landfill Resources Damages Claim) was introduced by reference, offered by Councilwoman Marder, and seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION 2008-341

A RESOLUTION AUTHORIZING SETTLEMENT THE GLOBAL  
LANDFILL NRD SETTLEMENT AGREEMENT BETWEEN THE  
GLOBAL LANDFILL AGREEMENT GROUP VARIOUS SETTLORS

WHEREAS, the Global Landfill Agreement Group ("Global") brought an action in the United States District Court for the District of New Jersey captioned Global Landfill Agreement Group v. 280 Development Corp., et als, Civil Action No. 2:96cv05338 against certain defendants (the "Action"); and

WHEREAS, the action sought, among other things, cost recovery and contribution for costs and expenses incurred and to be incurred in response to the alleged release or alleged threat of release of hazardous substances; and

WHEREAS, Global and parties collectively identified as the NRD Settling Parties, among whom the Township of Marlboro is a party, ("NRD") denied any liability for conditions and for any costs and expenses incurred and to be incurred in response to the allegations made in the Action; and

WHEREAS, Global and NRD entered into one or more settlement agreements to settle, dismiss and resolve certain claims among themselves arising from to the alleged release or alleged threat of release of hazardous substances; and

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") and the Administrator of the New Jersey Spill Compensation Fund filed an action in the Superior Court of New Jersey, Law Division, Middlesex County, seeking natural resources damages from, inter alia, Global; and

WHEREAS, Global has reached a tentative settlement with the NJDEP and the New Jersey Spill Compensation Fund in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00); and

WHEREAS, Exhibit "A" to the Global Landfill NRD Settlement Agreement sets forth the shares to be paid by each party comprising the NRD Settling Parties to the Global Landfill Agreement Group; and

WHEREAS, the Township of Marlboro's share as set forth in Exhibit "A" to the Global Landfill NRD Settlement Agreement is One Thousand Dollars (\$1,000.00).

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 Mayor and/or Business Administrator are hereby authorized to execute any documents necessary to effect the terms of the settlement between the parties, including the Global Landfill NRD Settlement Agreement which has been approved by the Township Attorney, attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that pursuant to the Global Landfill NRD Settlement Agreement, the Township of Marlboro shall pay the amount of One Thousand Dollars (\$1,000.00) to Global Landfill Custodial Fund, no later than thirty (30) days from the effective date of the Global Landfill NRD Settlement Agreement, to the attention of Glenn A. Harris, Esq., Ballard, Spahr, Andrews & Ingersoll, LLP, Plaza 1000, Suite 500, Main Street. Voorhees, New Jersey 08043; and

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

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

- a. Glenn A. Harris, Esq., Ballard, Spahr, Andrews & Ingersoll, LLP
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 10:55PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: October 16, 2008

OFFERED BY: Rosenthal

AYES: 5

SECONDED BY: La Rocca

NAYS: 0

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ALIDA MANCO  
MUNICIPAL CLERK

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JEFF CANTOR  
COUNCIL PRESIDENT