

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JANUARY 23, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on January 23, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski, Council Vice President Mione, Councilwoman Singer and Council President Karcher.

Also present were: Mayor Scannapieco, Township Attorney John O. Bennett (9:30pm), Fred Raffetto, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, Deputy Clerk Deborah Usalowicz.

Public Information Report - Acting Public Information Director Susan Levine spoke on the preparations for Community Pride Day, scheduled for Sat., May 10th. She stated that the township website was updated with all the 2003 meeting dates, Board Members, Committees, Commissions and new appointments. She also announced that the next newsletter is scheduled for early February, the construction of the cable television studio should be complete by mid-February, and Marlboro First Aid Squad is sponsoring a blood drive on Saturday, February 1st.

Councilman Kovalski moved that the minutes of November 25 and December 12, 2003 be approved. This motion was seconded by

Councilman Denkensohn and the minutes were passed on a roll call vote of 5 - 0.

Councilman Kovalski moved that the minutes of December 30, 2003 be approved. This motion was seconded by Councilman Denkensohn and the minutes were passed on a roll call vote of 4 - 0, with Councilman Denkensohn abstaining.

The following Res. # 2003-9/Ord. # 2003-1 (Amending Chapter 132 - Swim Pool Facility) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-9

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

ORDINANCE # 2003-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132,
ENTITLED "SWIMMING POOL FACILITY, MUNICIPAL" OF THE
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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 February 27, 2003 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 # 2003-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132,
ENTITLED "SWIMMING POOL FACILITY, MUNICIPAL" OF THE
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"

BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, as follows:

1. That Section 132-4, entitled "Membership Fees", of Chapter 132, "Swimming Pool Facility, Municipal" of the "Code of the

Township of Marlboro, New Jersey" is hereby amended and supplemented in the following respects (additions are underlined):

132-4. Membership fees.

A. through K. remain unchanged.

L. The Swim Club may charge a fee to any employee or to any non-employee for any course or program offered by the Swim Club. The Swim Club may reimburse all or a part of such fee to any Swim Club employee meeting certain criteria. The course or program must have some relevancy to the operation of the Swim Club. If a Swim Club employee registers for a relevant course or program offered by another organization, and if the employee taking the course or program intends to apply to the Swim Club for reimbursement, that employee must receive prior authorization to take the course or program from the Swim Club. The fee and/or the reimbursement policy shall be established by resolution of the Township Council on annual basis.

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

3. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #2003-10/Ord. 2003-2 (Accepting Dedication - Sterling Woods) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor. Councilman Denkensohn asked for clarification which was given by Township Engineer William Schultz.

RESOLUTION # 2003-10

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

ORDINANCE # 2003-2

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 143.08, LOT 9 AND BLOCK 143.02, LOT 125 ON THE MARLBORO TOWNSHIP TAX MAP (STERLING WOODS AT 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 February 27, 2003 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 # 2003-2

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 143.08, LOT 9 AND BLOCK 143.02, LOT 125 ON THE MARLBORO TOWNSHIP TAX MAP (STERLING WOODS AT MARLBORO)

WHEREAS, in connection with the development of the residential subdivision known as "Sterling Woods at Marlboro", and pursuant to the Resolutions of the Marlboro Township Planning Board approving the same, K. Hovnanian at Marlboro Township IV, Inc., the developer thereof, wishes to dedicate to the Township of Marlboro certain real property known and designated as Block 143.08, Lot 9 and Block 143.02, Lot 125 on the Marlboro Township Tax Map (collectively, the "Property"); and

WHEREAS, the Property is shown and delineated on a map entitled "Final Plat, Major Subdivision, Sterling Woods at Marlboro (Lot 28, Block 143), Township of Marlboro, County of Monmouth, New Jersey", prepared by Harbor Consultants, Inc., dated August 20, 1997, revised to January 27, 1998 and filed in the Monmouth County Clerk's Office on February 10, 1998 as Map Case No. 267, Sheets 2 and 3; and

WHEREAS, the acceptance of the Property by the Township has been recommended by the Township Engineer; and

WHEREAS, the Township Council of the Township of Marlboro is of the opinion that the acceptance of the Property is in the public interest; and

WHEREAS, the Township therefore wishes to authorize the acceptance of the Property from K. Hovnanian at Marlboro Township

IV, Inc., pursuant to the provisions of the New Jersey "Local Lands and Buildings Law", N.J.S.A. 40A:12-1, et seq.; and

WHEREAS, the Township's acceptance of the Property shall be effective upon final release of all performance guarantees held by the Township concerning the Sterling Woods at Marlboro development and the payment by the developer of all real property taxes for the year 2002 for the Property.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township of Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, as follows:

1. That the Township of Marlboro is hereby authorized to accept the dedication of the Property referenced above from K. Hovnanian at Marlboro Township IV, Inc., pursuant to the New Jersey "Local Lands and Buildings Law", N.J.S.A. 40A:12-1, et seq. The Property is shown and delineated on a map entitled "Final Plat, Major Subdivision, Sterling Woods at Marlboro (Lot 28, Block 143), Township of Marlboro, County of Monmouth, New Jersey", prepared by Harbor Consultants, Inc., dated August 20, 1997, revised to January 27, 1998 and filed in the Monmouth County Clerk's Office on February 10, 1998 as Map Case No. 267, Sheets 2 and 3.

2. That the Mayor, Township Clerk, Township Attorney and any other appropriate Township Officials are hereby authorized to execute any and all documents, which shall be in a form satisfactory to the Township Attorney, and to perform any and all other actions that are necessary in order to effectuate the intentions of this Ordinance.

3. That any and all costs associated with this Ordinance, as well as any and all costs associated with the preparation and/or review of any legal documents which are necessary in order to effectuate the intentions expressed herein, shall be paid by K. Hovnanian at Marlboro Township IV, Inc.

4. That the Township's acceptance of the said dedication shall be effective upon final release of all performance guarantees held by the Township concerning the Sterling Woods at Marlboro development and the payment by the developer of all real property taxes for the year 2002 for the Property.

5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

6. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

7. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. # 2003-11/Ord. # 2003-3 (Lafayette Estates - Detention Basin & Inverness Drive Maintenance Dedication) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Karcher and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-11

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

ORDINANCE # 2003-3

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF CERTAIN REAL PROPERTY AND DRAINAGE AND ROADWAY EASEMENTS IN CONNECTION WITH THE "LAFAYETTE ESTATES" DEVELOPMENT

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 February 27, 2003 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 # 2003-3

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF CERTAIN REAL PROPERTY AND DRAINAGE AND ROADWAY EASEMENTS IN CONNECTION WITH THE "LAFAYETTE ESTATES" DEVELOPMENT

WHEREAS, in connection with the development of the residential subdivision known as "Lafayette Estates", the Lafayette Estates Homeowners' Association (the "Association") was established; and

WHEREAS, the Association has requested that the Township of Marlboro assume the maintenance responsibilities of two (2) detention basins and a portion of Inverness Drive relating to the Lafayette Estates development which are currently maintained by the Association; and

WHEREAS, the property to be dedicated to the Township contains one (1) detention basin and is known and designated as Block 416, Lot 3.07 on the Marlboro Township Tax Map; and

WHEREAS, the drainage easement to be dedicated is located on Block 415, Lot 21.32 as designated on the Marlboro Township Tax Map; and

WHEREAS, the roadway right-of-way and easement to be dedicated, relating to Inverness Drive, is located on Block 415, Lot 21.32 as designated on the Marlboro Township Tax Map; and

WHEREAS, the aforesaid property and easements are shown in more detail on a map entitled "Final Plat - Lafayette Estates" as filed in the Monmouth County Clerk's Office on February 17, 2000 in Case 275, Sheet 16; and

WHEREAS, the acceptance of the aforesaid property and easements by the Township has been recommended by the Township Engineer; and

WHEREAS, the Township Council of the Township of Marlboro is of the opinion that the acceptance of the aforesaid property and easements is in the public interest; and

WHEREAS, the Township therefore wishes to authorize the acceptance of the said property and easements pursuant to the provisions of the New Jersey "Local Lands and Buildings Law", *N.J.S.A. 40A:12-1, et seq.*; and

WHEREAS, the Township's acceptance of the property and easements shall be effective upon the payment by the Association of all real property taxes for the year 2002 for Block 416, Lot 3.07 and the payment of a detention basin fee totaling \$72,300.00 to the Township's Stormwater Impact and Facilities Improvement Fund.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township of Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, as follows:

1. That the Township of Marlboro is hereby authorized to accept the dedication of a certain property, which contains a detention basin, known and designated as Block 416, Lot 3.07 on the Marlboro Township Tax Map and is shown and delineated on a map entitled "Final Plat - Lafayette Estates" as filed in the Monmouth County Clerk's Office on February 17, 2000 in Case 275, Sheet 16.

2. That the Township of Marlboro is hereby authorized to accept the dedication of a certain drainage easement for detention basin maintenance purposes located on Block 415, Lot 21.32 as designated on the Marlboro Township Tax Map and is shown and delineated on a map entitled "Final Plat - Lafayette Estates" as filed in the Monmouth County Clerk's Office on February 17, 2000 on Case 275, Sheet 16.

3. That the Township of Marlboro is hereby authorized to accept the dedication of a certain right-of-way and easement for roadway purposes relating to Inverness Drive located on a certain property known and designated as Block 415, Lot 21.32 on the Marlboro Township Tax Map and is shown and delineated on a map entitled "Final Plat - Lafayette Estates" as filed in the Monmouth County Clerk's Office on February 17, 2000 on Case 275, Sheet 16.

4. That the Mayor, Township Clerk, Township Attorney and any other appropriate Township Officials are hereby authorized to execute any and all documents, which shall be in a form satisfactory to the Township Attorney, and to perform any and all other actions that are necessary in order to effectuate the intentions of this Ordinance.

5. That any and all costs associated with this Ordinance, as well as any and all costs associated with the preparation and/or review of any legal documents which are necessary in order to effectuate the intentions expressed herein, shall be paid by the Lafayette Estates Homeowners' Association.

6. That the Township's acceptance of the aforesaid dedications shall be effective upon the payment by the Association of all real property taxes for the year 2002 for Block 416, Lot 3.07 and the payment of a detention basin fee totaling \$72,300.00 to the Township's Stormwater Impact and Facilities Improvement Fund.

7. That the Township's acceptance of the drainage easement located on Block 415, Lot 21.32 shall not include the maintenance responsibility for the detention basin located in the Route 79 jughandle located on the subject property.

8. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

9. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

10. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution # 2003-12 (Appointing Alternate #2 Zoning Board of Adjustment to fill unexpired term of Hyman Grossman - Seth D. Goldzweig) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-12

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint SETH D. GOLDZWEIG as Alternate #2, to fill the unexpired term of Hyman Grossman, such term to expire December 31, 2003.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints SETH D. GOLDZWEIG to serve as a member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above.

Regarding Item # 13 (Res. # 2003-13 - Section 208 Amendment - Various Lots) - Township Engineer William Schultz answered Council's questions. There was a discussion between Council, Administration and the legal department. Council Vice President Mione voiced his concerns on moving forward. Councilwoman Singer recommended having Mr. Schultz present a map to Council indicating the 208 Amendments. Consensus of Council was to table Resolution #2003-13 until further information is available.

The following Resolution # 2003-14 (Sale of Consumption Licenses by Township) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor. There was a brief discussion between Mayor, Council and the legal department during which the procedure was explained.

RESOLUTION # 2003-14

RESOLUTION OF THE TOWNSHIP OF MARLBORO
AUTHORIZING THE ISSUANCE OF UP TO TWO (2)
PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, pursuant to N.J.S.A. 33:1-12.14, a municipality is permitted to issue new plenary retail consumption licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the most recent federal census counts, the Township of Marlboro has a population of 36,398; and

WHEREAS, in light of the recent census counts, the Township of Marlboro is permitted to issue up to three (3) additional plenary retail consumption licenses; and

WHEREAS, in furtherance thereof, on October 10, 2002, the Township Council of the Township of Marlboro adopted Ordinance No. 2002-26, which authorized the issuance of up to three (3) additional plenary retail consumption licenses for a total of twelve (12) of such licenses; and

WHEREAS, the Mayor and Township Council, having considered the same, now wish to authorized the issuance of up to two (2) plenary retail consumption licenses and the advertisement for the receipt of sealed bids therefor as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the issuance of up to two (2) plenary retail consumption licenses and the advertisement for the receipt of sealed bid therefor is hereby authorized pursuant to N.J.S.A. 33:1-19, et seq.

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold two (2) separate, but concurrent, public sealed bid sales for the aforesaid licenses.

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. All bidders must be qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the Alcoholic Beverage Control Act, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro.

2. It is the intent of the Mayor and Township Council to attract bidders interested in utilizing the plenary retail consumption licenses in a restaurant (as defined in N.J.S.A. 33:1-1(t)).

3. To assure the feasibility of establishing a restaurant, bidders for the plenary consumption licenses must present, along with their sealed bid, certifications of intent to operate a one hundred (100) seat minimum restaurant, which shall be a minimum of 3,500 square feet, to be located on Route 9, Route 79 or Route 34.

4. The minimum bid for each of the plenary retail consumption licenses is \$400,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

5. All prospective bidders for the aforesaid licenses shall apply by submitting to the Clerk of the Township of Marlboro the following:

- a. A full and complete 12-page liquor license application form as prescribed by the New Jersey Division of Alcoholic Beverage Control, the required municipal license fee of \$2,000.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%)), and the required State license fee of \$100.00;

- b. A separately sealed envelope with the applicant's bid and ten percent (10%) bid deposit fee (by bank check, certified check or attorney trust check), which shall be non-refundable after the award of bid; and
- c. A Certification of Proof of compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice of Intent to Issue New Alcoholic Beverage License attached hereto, and knows of no reason why it would be disqualified from having an interest in a retail license in the State of New Jersey.

6. The successful bidder must present full payment of the bid amount in any of the above-approved means of payment upon the earlier of the following: the issuance of a Certificate of Occupancy or by November 1, 2003, whichever occurs first.

7. It is the intent of the Mayor and Township Council to award the licenses to the persons who are the highest qualified bidders for each of the licenses. The determination of where the licenses will be sited is to be determined through the statutory place-to-place application process.

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption licenses be in conformance with N.J.S.A. 33:1-19.4.

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. Township Attorney

The following Resolution # 2003-15 (Award of State Contract - Police Cars) was introduced by reference, offered by Council Vice President Mione, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-15

RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) NEW FORD CROWN VICTORIA POLICE CARS AND RELATED OPTIONS UNDER STATE CONTRACT #A45069 FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT.

WHEREAS, there is a need for the Township of Marlboro to purchase two (2) new Ford Crown Victoria police cars and related options for the Marlboro Township Police Department; and

WHEREAS, the Marlboro Township Police Department has solicited and received quotations for said vehicles for which a State contract has been issued pursuant to *N.J.S.A. 40A:11-12*; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*, authorizes, without public advertising for bids and bidding therefor, the purchase of any goods or services under any contract for such goods or services entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize the purchase of two (2) new Ford Crown Victoria police cars and related options from Winner Ford of Cherry Hill, New Jersey, under State Contract #A45069.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the appropriate Township officials be and hereby are authorized to execute an agreement between the Township of Marlboro and Winner Ford of Cherry Hill, New Jersey, for the purchase of two (2) new Ford Crown Victoria police cars and related options, under State Contract #A45069, at a total cost of \$42,136.00.

2. That this contract is awarded without competitive bidding, in accordance with *N.J.S.A. 40A:11-12*, of the Local Public Contracts Law of New Jersey, because the goods or services will be purchased under a contract entered into on behalf of the State of New Jersey by the Department of Purchase and Property in the Department of the Treasury.

3. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

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

- a. Winner Ford
- b. Township Chief of Police
- c. Township Chief Financial Officer

- d. Township Administrator
- e. Township Attorney

The following Resolution # 2003-16 (2003 Engineering Contracts) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-16

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO
TO ENTER INTO PROFESSIONAL ENGINEERING SERVICE
CONTRACTS FOR INSPECTIONS FOR THE YEAR 2003

WHEREAS, there may exist a need for professional engineering services to be rendered to the Township of Marlboro for inspections as directed by the Township Engineer during the year 2003; and

WHEREAS, the Township wishes to execute contracts with certain engineering firms which authorize the Township to utilize the services of such firms for inspections as needed (on a per project basis) during the year 2003 as directed by the Township Engineer; and

WHEREAS, the "Local Public Contracts Law", N.J.S.A. 40A:11-1, et seq., authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, 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, a copy of each proposed Agreement for inspection services is on file in the Office of the Township Clerk and incorporated herein by reference as if attached hereto at length.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the above-referenced Agreements with the following engineering firms for inspection services for the year 2003:

- a. Bay Pointe Engineering
- b. Birdsall Engineering
- c. CME Associates

- d. Crest Engineering Associates, Inc.
- e. Harbor Consultants
- f. Maser Consulting, P.A.
- g. Palmieri Engineering
- h. Schoor DePalma
- i. T & M Associates

2. That these contracts are awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

3. That the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for these contracts and to attach same to this Resolution.

4. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Chief Financial Officer
- b. Business Administrator
- c. Township Engineer
- d. Township Attorney
- e. Bay Pointe Engineering
- f. Birdsall Engineering
- g. CME Associates
- h. Crest Engineering Associates, Inc.
- i. Harbor Consultants
- j. Maser Consulting, P.A.
- k. Palmieri Engineering
- l. Schoor DePalma
- m. T & M Associates

The following Resolution # 2003-17 (Corrective Action Plan) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2003-17

RESOLUTION APPROVING AND ACCEPTING
CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2001 Annual Audit of the Township of Marlboro, conducted by Fallon & Fallon LLP, 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 2001 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 Resolutions were introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor: Res. # 2003-18 (Redemption Tax Sale Certs. - Various), Res. #2003-19 (Overpayments for 2002 Taxes - Various), Res. #2003-20 (Refund to WMUA - B. 105, L. 3), Res. #2003-21 (Veteran Deduction - B. 153, L. 24), Res. #2003-22 (Widows of Veterans Deductions - Various), and Res. #2003-23 (Refund for Disabled Veteran - B. 401, L.

RESOLUTION # 2003-18

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$18,179.24 as 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 \$18,179.24 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>
01-24	360.01/3	Betty Simon, Trustee, LLC	\$9,930.89
Dutch Lane Road		P.O. Box 238	
		Northfield, NJ 08225	
02-17	360/1.09	Crusader Servicing Corp.	\$8,106.00
18 Castlehill Drive		179 Washington Lane	
		Jenkintown, PA 19046	
02-37	412/307 C0045	Richard Pisciotta	142.35
45 Thrasher Court		P.O. Box 234	
		Barnegat Light, NJ 08006	
TOTAL:			\$18,179.24

RESOLUTION # 2003-19

WHEREAS, the attached list in the amount of \$12,291.96 known as Schedule "A", is comprised of amounts representing overpayments for 2002 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
178	290 C0180	Jason & Linda Grama	1,557.56
180 Nathan Drive		180 Nathan Drive	
		Morganville, NJ 07751	
		(New Assessed Owners)	
214.03	7	CitiMortgage, Inc.	6,212.26
6 Jamesworthy Ct.		Attn: Escrow Dept.	
		P.O. Box 790011, MS 311	
		St. Louis, MO 63179-0011	
		Re: Robert & Robin Olsen	
		(Current Assessed Owners)	
264	25	Ann T. Gagliardi	1,754.00
27 Halifax Drive		27 Halifax Drive	
		Morganville, NJ 07751	

290	4	Herbert & Sandra Salis	1,614.35
17 Lindsay Drive		17 Lindsay Drive	
		Morganville, NJ 07751	
305	187	First American Tax Service	1,783.79
5 Regina Road		Attn: Claims Dept.	
		3445 Winton Place, Suite 219	
		Rochester, NY 14623	
		Re: Scott & Tammy Wolkowitz	
		(Current Assessed Owners)	
TOTAL:			\$12,291.96

RESOLUTION # 2003-20

WHEREAS, current sewer charges in the amount of \$231.31 for Block 105 Lot 3 assessed to John & Melinda Parker, have been paid by Phoenix Funding, Inc., holder of the Tax Sale Certificate #01-2 on the above-referenced property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$231.31 be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2003-21

WHEREAS, a Veteran deduction in the amount of \$200.00 has been allowed for the year 2002 for Block 153 Lot 24, located at 6 Revere Court, assessed to Leroy & Nancy Abrams,

WHEREAS, taxes for the year 2002 have unpaid balances on the above-referenced block & lot

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$200.00 as noted above.

RESOLUTION # 2003-22

WHEREAS, Widows of Veteran deductions totaling \$400.00 have been granted as per the attached Schedule "A" for the year 2002,

WHEREAS, taxes for the year 2002 have been paid in full on the above-referenced block & lots,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund 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>
135	3	Marie Trasmundi	\$200.00
24 Roosevelt Avenue		24 Roosevelt Avenue	
		Morganville, NJ 07751	
388	14	Beatrice Siegel	200.00
29 Suffolk Way		29 Suffolk Way	
		Marlboro, NJ 07746	
TOTAL:			\$ 400.00

RESOLUTION # 2003-23

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Irving Weksler, Block 401 Lot 14, located at 32 Cannonade Drive,

WHEREAS, taxes were billed for the full year of 2002 in the amount of \$8,357.50, and

WHEREAS, this exemption became effective January 1, 2002 and taxes were paid for the full year of 2002, the above mentioned taxpayer is due a refund of \$8,357.50,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$8,357.50 to the above-mentioned taxpayer and cancel same.

The following Resolution # 2003-24 (Transfers) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-24

RESOLUTION AUTHORIZING BUDGET TRANSFERS
DURING FIRST THREE MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation transfers during the first three (3) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2002 Budget in accordance with the attached schedule:

* Copies of attached material to be found in regular minute book in Clerk's office.

The following Resolution # 2003-25 (Authorizing Reimbursable Unemployment Costs) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003 -25

RESOLUTION AUTHORIZING CHANGE TO
REIMBURSEMENT BASIS UNEMPLOYMENT PAYMENTS

WHEREAS, the Township of Marlboro as a municipal corporation may elect to reimburse the Unemployment Trust Fund for benefits paid on a quarterly basis; and

WHEREAS, the Township Council of the Township of Marlboro desires to reimburse the State Unemployment Trust Fund on a quarterly basis;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro does hereby request a change to the reimbursement basis unemployment payments on a quarterly basis.

The following Resolution # 2003-27 (Appointment Class III Member of Planning Board - Barry D. Denkensohn) was introduced by reference, offered by Councilman Mione, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-27

BE IT RESOLVED by the Township Council of the Township of Marlboro that BARRY D. DENKENSOHN be and is hereby appointed to the Planning Board such term to commence immediately and to expire December 31, 2003, as a Class III member.

At 10:35 PM, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing litigation, acquisition of property and contract negotiations. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session commenced at 10:55 PM.

RESOLUTION # 2003-26

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 23rd day of January, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, litigation, acquisition of property and contract negotiations.

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 1 hour. 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 12:40 AM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Councilman Kovalski, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2003-28 (Increasing Cap - Riker, Danzig - FRHSD Litigation) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-28

RESOLUTION AUTHORIZING AN INCREASE IN THE CAP ON

EXPENDITURES FOR THE LEGAL SERVICES OF RIKER, DANZIG,
SCHERER, HYLAND & PERRETTI, L.L.P., TO SERVE AS
SPECIAL COUNSEL TO THE TOWNSHIP OF MARLBORO.

WHEREAS, there is a continued need for the Township of Marlboro to retain the services of special counsel in order to represent the interests of the Township vis-a-vie the Freehold Regional High School Board of Education; and

WHEREAS, the Township Council had previously appointed the law firm of Riker, Danzig, Scherer, Hyland & Perretti, L.L.P. (the "Special Counsel") to provide the necessary legal services to the Township, at a blended rate not to exceed \$175.00 per hour and with a cap as to the total expenditure in the amount of \$30,000.00, without further authorization from the Township Council; and

WHEREAS, it has become necessary to authorize an increase in said expenditure cap in order to allow the continued representation of the Township's interests by the Special Counsel; and

WHEREAS, the services to be provided by the Special Counsel 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 therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the Office of the Township Clerk and that notice of the awarding of the Contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize an increase in the total expenditure cap for the professional service contract of the Special Counsel for the continued provision of the aforesaid legal services.

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

1. That the total expenditure cap set forth in the agreement previously authorized by the Township Council, between the Township of Marlboro and Riker, Danzig, Scherer, Hyland & Perretti, L.L.P., regarding the above-referenced legal services, shall be increased to \$75,000. Any services performed which involve expenditures beyond

said amount shall require further authorization from the Township Council.

2. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for the aforesaid increase and to attach same to this Resolution.

3. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Riker, Danzig, Scherer, Hyland & Perretti, L.L.P.
(Attn: Lance J. Kalik, Esq.)
- b. Township Administrator
- c. Chief Financial Officer
- d. Township Attorney

The following Resolution # 2003-29 (Authorizing Contract - North American Realty Advisory) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-29

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO
ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH
NORTH AMERICAN REALTY ADVISORY SERVICES REGARDING THE
REDEVELOPMENT OF THE MARLBORO STATE HOSPITAL SITE

WHEREAS, there exists a continued need for the Township of Marlboro to retain the services of a realty professional in order to perform various tasks associated with the Township's redevelopment of the Marlboro State Hospital Property; and

WHEREAS, the services will include, among other things, making modifications to the existing Redevelopment Plan, marketing the redevelopment of the subject property in order to secure proposals for the same, and assisting the Township with a "Smart Growth Strategy"; 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 therefor, 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, the Township Council, having considered the same, now wishes to authorize North American Realty Advisory Services to provide the aforesaid services with regard to the Township's redevelopment of the Marlboro State Hospital Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and North American Realty Advisory Services, with regard to the aforesaid services, as per the proposal dated January 22, 2003, attached hereto.

2. That, in accordance with the said proposal dated January 22, 2003, North American Realty Advisory Services is hereby authorized to provide Steps #1 through #5 as set forth therein.

3. That the services to be performed shall be on an hourly basis as outlined in Schedule A of the attached proposal, with a cap on the total expenditure in the amount of \$20,000.00 for said services and a cap on any out-of-pocket expenses not to exceed an additional \$2,000.00. Further authorization from the Township Council shall be required for any expenditures beyond said amounts.

4. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

5. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

