

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

FEBRUARY 2, 2006

The Marlboro Township Council held its regularly scheduled meeting on February 2, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed 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: Council Vice President Cantor (8:20pm), Councilman Pernice, Councilman Rosenthal (8:10pm), Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

After discussion, the following Resolution #2006-64 (2006 Recreation Fee Schedule) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-64

A RESOLUTION AUTHORIZING THE 2006 RECREATIONAL FEES FOR THE MARLBORO TOWNSHIP RECREATION AND PARKS COMMISSION

WHEREAS, Section 117-2 of the Code of the Township of Marlboro requires that fees for all recreational programs established by the Recreation and Parks Commission must be authorized by the Township Council on an annual basis; and

WHEREAS, the Recreation and Parks Commission has recommended to the Township Council the following fees for its recreational programs for 2006:

Summer Camp Activity Fee increased from \$100.00 per session to \$200.00 per session to account for the cost of additional camp trips and on-site special events;

Teen Camp Activity Fee increased from \$200.00 per session to \$450.00 per session to account for the cost of additional camp trips and on-site special events;

Junior Travel Camp (New) Registration Fee will be \$300.00 per session which replaced "It Fit's" and was redesigned to meet the needs of our 7th graders;

Junior Travel Camp (New) Activity Fee will be \$400.00 per session to account for the cost of additional camp trips and on-site special events;

Soccer Travel Team Fee increased from \$100.00 to \$150.00 to account for an increase in state fees, insurance fees and referee fees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is granted for the Recreation and Parks Commission to set its 2006 Recreational Fees as follows:

Summer Camp Activity Fee - \$200.00 per session
Teen Camp Activity Fee - \$450.00 per session
Junior Travel Camp Reg. Fee - \$300 per session
Junior Travel Camp Activity Fee - \$400 per session;
Soccer Travel Team Fee - \$150.00

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

- a. Recreation and Parks Commission
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

Council President Morelli opened the Public Hearing on Ordinance # 2006-1 (Farmland Preservation). After the Public Hearing was closed, the following Resolution Res. # 2006-65/Ord. # 2006-1 (Farmland Preservation) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor. Subsequent to the meeting, additional noticing was deemed to have been required, and therefore the ordinance was republished with a subsequent public hearing date and adoption on March 2nd.

Council President Morelli opened the Public Hearing on Ordinance # 2006-2 (Drainage Easement - Maintenance - DiMeo Property Block 159, Lot 1.01). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2006-66/Ord. # 2006-2 (Drainage Easement - Maintenance - DiMeo Property Block 159, Lot 1.01) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-66

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

ORDINANCE # 2006-2

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF
EASEMENT AND RIGHT-OF-WAY FROM THE TOWNSHIP OF MARLBORO
TO THE COUNTY OF MONMOUTH FOR THE PURPOSE OF MAINTENANCE
AND RECONSTRUCTION OF A DRAINAGE STRUCTURE

which was introduced on January 19, 2006, public hearing held February 2, 2006, be adopted on second and final reading this 2nd day of February, 2006.

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

Council President Morelli opened the Public Hearing on Ordinance # 2006-4 (Amending Code - Brush Pick-up). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2006-67/Ord. # 2006-4 (Amending Code - Brush Pick-up) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-67

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

ORDINANCE # 2006-4

AN ORDINANCE AMENDING SECTION 72-13 "BRUSH AND BRANCHES" OF CHAPTER 72 "SOLID WASTE SERVICES"

which was introduced on January 19, 2006, public hearing held February 2, 2006, be adopted on second and final reading this 2nd day of February, 2006.

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

The following Res. # 2006-68/Ord. # 2006-5 (Exempting Houses of Worship from bulk Drop Off Fees and other Regulations) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-68

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

ORDINANCE # 2006-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 72 "SOLID WASTE SERVICES" TO INCLUDE A NEW SECTION 72-40 "BULK DROP-OFF CENTER" 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 February 16, 2006 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 # 2006-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 72 "SOLID WASTE SERVICES" TO INCLUDE A NEW SECTION 72-40 "BULK DROP-OFF CENTER" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro maintains a Bulk Drop-Off Center (the "Center") whereby residents may deposit certain specified bulk items for disposal in accordance with the policies and procedures established by the Township of Marlboro Department of Public Works; and

WHEREAS, Section 62-4 of the Code of the Township of Marlboro sets forth certain fees associated with use of the Center; and

WHEREAS, the Mayor and the Township Council now desire to adopt a new section entitled Section 72-40 "Bulk Drop-Off Center" to codify certain policies associated with the Center.

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 a new section entitled Section 72-40 "Bulk Drop-Off Center" of Chapter 72 "Solid Waste Services" of the Code of the Township of Marlboro be and hereby is adopted and shall read in its entirety as follows:

"§ 72-40 Bulk Drop-Off Center

A. The Department of Public Works shall maintain a bulk drop-off center whereby residents and houses of worship of the Township of Marlboro may deposit certain specified bulk items for disposal in accordance with the policies and procedures established by the Director of Public Works. For purposes of this Section, "houses of worship" shall include churches and other places of worship or assembly for religious purposes.

B. Residents and houses of worship desiring to utilize the bulk drop-off center must apply for an annual permit from the Department of Public Works and provide such information determined necessary by the Department of Public Works to issue said permit. Residents shall pay the Annual Usage Fee or, where applicable, the

Discounted Senior Fee established by Section 62-4 for use of the bulk drop-off center and any other applicable additional fees associated with their use of said center as set forth in Section 62-4. Houses of worship shall be exempt from the Annual Usage Fee for the bulk drop-off center and all other fees associated with their use of said center.

C. Bulk drop-off center permits are non-transferable. House of worship permit holders must utilize only the vehicle identified on their permit to deposit items at the bulk drop-off center. At the time of deposit, resident permit holders must provide photo-identification showing that their address matches that of the resident identified on the permit."

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

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

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

The following Res. # 2006-69/Ord. # 2006-6 (Bond Ordinance - Municipal Park) was tabled to a future agenda.

The following Resolution # 2006-71 (Authorizing Professional Services contract - Employee Assistance Program - Mark White) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-71

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN MARK WHITE, Ph.D., P.A., LICENSED PSYCHOLOGIST AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL REFERRAL SERVICES THROUGH AN EMPLOYEE ASSISTANCE PROGRAM FOR NON-POLICE EMPLOYEES OF THE TOWNSHIP OF MARLBORO

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of psychological referral services through an Employee Assistance Program for the non-police employees of the Township of Marlboro; and

WHEREAS, the Township of Marlboro has received a proposal from Mark White, Ph.D., P.A., Licensed Psychologist, to provide psychological referral services through an Employee Assistance Program for the non-police employees of the Township of Marlboro for An annual contractual retainer of \$4,000.00 and a fee-for-service charge of \$125.00 per hour for Supervisor-Imposed mandated referrals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract for a term of one year, in a form legally acceptable to the Township Attorney, between Mark White Ph.D., Licensed Psychologist and the Township of Marlboro for the provision of psychological referral services through an Employee Assistance Program for an annual contractual retainer of \$4,000.00 and a fee-for-service charge of \$125.00 per hour for Supervisor-Imposed mandated referrals; and

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

- a. Mark White, Ph.D., P.A., Licensed Psychologist
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2006-72 (Authorizing Professional Services Contract - Architect ADA Municipal Annex) was introduced by reference, offered by Council President Morelli,

seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-72

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN DAVID B. SINGER, A.I.A AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ARCHITECTURAL SERVICES IN CONNECTION WITH THE CONSTRUCTION OF A BARRIER-FREE RAMP FOR THE MUNICIPAL ANNEX BUILDING

WHEREAS, the Township of Marlboro is in need of professional architectural services in connection with the construction of a barrier-free ramp for the Municipal Annex building (the "Project") and has solicited proposals for the performance of said services; and

WHEREAS, the Township received a \$94,500.00 Statewide Livable Communities Grant for the performance of the Project; and

WHEREAS, David A. Singer, A.I.A. submitted a proposal dated January 23, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for the Project for an amount not to exceed \$3,420.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire David A. Singer, A.I.A. to provide the required professional services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between David B. Singer, A.I.A. and the Township of Marlboro to provide the required professional services

for the Project for an amount not to exceed \$3,420.00 in accordance with the Proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number G02-41-773-399; and

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

- a. David B. Singer, A.I.A.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2006-73 (Amending Res. #2006-46 - contract for Irrigation System) was introduced by reference, offered by Councilman Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-73

A RESOLUTION AMENDING RESOLUTION #2006-46 AUTHORIZING THE
AWARD OF A CONTRACT TO GOWER'S, INC. TO INSTALL
IRRIGATION SYSTEMS AT THE UNION HILL PARK AND MARLBORO
SOCCER COMPLEX IN THE TOWNSHIP OF MARLBORO

WHEREAS, Township of Marlboro Resolution #2006-46 authorized the award of a contract to Gower's, Inc. to install irrigation systems at the Union Hill Park and Marlboro Soccer Complex for an amount not to exceed \$134,500.00; and

WHEREAS, when soliciting for bids for this project the Township of Marlboro included two alternate bid items in addition to the base bid which were referenced in the Township's solicitation for bids as "Alternate A" and "Alternate B"; and

WHEREAS, the Township of Marlboro now desires to amend Resolution #2006-46 to award a contract for both of these alternate bid items, together with the base bid items; and

WHEREAS, Gower's, Inc., in addition to submitting the lowest conforming base bid as set forth in Resolution #2006-46, also submitted the lowest conforming bids for both "Alternate A" and

"Alternate B" in the respective amounts of \$30,600.00 and \$15,700.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Resolution #2006-46 is amended to include "Alternate A" and "Alternate B" as set forth in the Township's solicitation of bids; and

BE IT FURTHER RESOLVED that the contract awarded to Gower's, Inc. by Resolution #2006-46 should include the services contemplated by "Alternate A" and "Alternate B" as set forth in the Township's solicitation for bids in an amount not to exceed \$30,600.00 and \$15,700.00 respectively, for a total contract amount of \$180,800.00, in accordance with the bid proposal submitted by Gower's, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that said Certification of Funds contemplated sufficient funds to complete the base bid, "Alternate A" and "Alternate B." Said Certification of Funds set forth that sufficient funds were, and continue to be, available for said contract from Account Numbers BOX04-55-944-906, BOX04-59-955-918, BOX04-55-950-914 and BOX04-55-950-915; and

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

- a. Gower's, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolution # 2006-74 (Authorizing Exemption Land Use Application - Monmouth Worship Center) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-74

A RESOLUTION EXEMPTING THE MONMOUTH WORSHIP CENTER FROM CERTAIN LAND
USE APPLICATION FEES AND ESCROW DEPOSITS

WHEREAS, Section 184-14.3 of the Code of the Township of Marlboro exempts, on a case-by-case basis, "charitable,

philanthropic, fraternal, athletic, recreational and religious nonprofit organizations" from the normal application fees and escrow deposits required under Chapter 84 "Land Use Development and Regulations"; and

WHEREAS, the above referenced Code Section requires a qualifying entity to submit an application for exemption to the Township Council along with proof of tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. §501(c) or (d)]; and

WHEREAS, the Monmouth Worship Center has submitted a subdivision and site plan application to the Township Planning Board; and

WHEREAS, the Monmouth Worship Center has also submitted, as a duly formed religious non-profit organization, an application for exemption from fees to the Township Council along with proof of their tax exempt status; and

WHEREAS, the Township Council finds it proper and in conformance with the stated policies of Marlboro Township to grant the exemption sought and further desires to confirm the same by resolution.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Monmouth Worship Center is hereby exempted from paying the land use application fees and escrow deposits associated with its subdivision and site plan application to the Township Planning Board; and

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

- a. Monmouth Worship Center
- b. Business Administrator
- c. Chief Financial Officer
- d. Planning Board
- e. Gluck Walrath LLP

The following Resolution # 2006-80 (Appointment of Allen S. Kaplan, Esq.) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-80

RESOLUTION CONFIRMING THE APPOINTMENT OF ALLEN S. KAPLAN AS
MUNICIPAL COURT JUDGE, PRESIDING MAGISTRATE

WHEREAS, pursuant to Section 4-34D(5)(b) of the Marlboro Township Code and N.J.S.A. 2B: 12-4, the Mayor has advised the Township Council of his intention, subject to the advice and consent of the Township Council, to appoint Allen S. Kaplan as Municipal Court Judge, Presiding Magistrate, for the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of Allen S. Kaplan as the Municipal Court Judge, Presiding Magistrate, for the Township of Marlboro for a three year term and until his successor shall be qualified and appointed.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor: Res. #2006- 75 (Authorization to Bid - Resurfacing Tennis Courts), Res. #2006- 76 (Authorizing Grant - Police Radios), Res. #2006- 77 (Authorizing Refund - Road Opening Permit) and Res. #2006- 78 (Raffle License Kiwanis Club).

RESOLUTION # 2006-75

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Resurfacing Tennis Courts

RESOLUTION # 2006-76

STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY, DIVISION OF
ADMINISTRATION SPECIAL PURPOSE GRANT ENABLING RESOLUTION

WHEREAS, the Township of Marlboro Police Department desires to apply for \$50,000 to carry out a project to purchase new police radios; and

BE IT THEREFORE RESOLVED, that the Township Council of the Township of Marlboro does hereby authorize the application for such funds; and upon receipt of the funding agreement from the State of New Jersey, does further authorize the execution of the funding agreement; and also upon receipt of the fully executed agreement from the State does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Marlboro and the State of New Jersey.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith and act as representatives of the aforementioned organization:

- a. State of New Jersey Department of Treasury
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Police Department

RESOLUTION # 2006-77

RESOLUTION AUTHORIZING REFUND
OF ROAD OPENING PERMIT FEES

WHEREAS, New Jersey Natural Gas Company applied for a road opening permit in May 2005; and

WHEREAS, the permit was for a road not located in Marlboro Township; and

WHEREAS, New Jersey Natural Gas Company has requested a refund of fees posted in error;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$100.00 from the Current Account and \$75.00 from the Other Trust Account be refunded to New Jersey Natural Gas Company for fees posted in error.

RESOLUTION # 2006-78

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 06-06 (Off Premise 50/50) be and it is hereby granted to Kiwanis Club Keyport, Inc., 188 Kearney Street, Keyport, NJ 07735.

BE IT FURTHER RESOLVED that said Raffle will be held on April 5, 2006 at 7:30 PM at Samvera's, 476 Route 520, Marlboro, N. J. 07746.

The following Resolution # 2006-81 (Bond Release Exclusive Plaza) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-81

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE EXCLUSIVE PLAZA SITE PLAN

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Exclusive Plaza at Marlboro, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the project known as the Exclusive Plaza site plan; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated January 10, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the posting of a Maintenance Bond in the amount of \$14,880.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the project known as the Exclusive Plaza site plan shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the posting of a Maintenance Bond in the amount of \$14,880.00; and

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

- a. Exclusive Plaza at Marlboro, LLC
- b. Bond Safeguard Insurance, Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-82 (Bond Release LKLN/Complete Securities Site Plan) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-82

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE LKLN, LLC COMPLETE SECURITIES SITE PLAN

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by LKLN, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the project known as the LKLN, LLC Complete Securities site plan; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated January 10, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the posting of a Maintenance Bond in the amount of \$46,930.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the project known as the LKLN, LLC Complete Securities site plan shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the posting of a Maintenance Bond in the amount of \$46,930.00; and

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

- a. LKLN, LLC
- b. American Southern Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-83 (Bond Release Carmel Estates) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-83

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND
AND CASH BOND FOR CARMEL ESTATES SUBDIVISION

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Friendship, Inc. for the release of the Performance Bond and Cash Bond being held by the Township for the project known as Carmel Estates Subdivision; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated January 13, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the posting of a Maintenance Bond in the amount of \$51,740.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the project known as Carmel Estates Subdivision shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the posting of a Maintenance Bond in the amount of \$51,740.00; and

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

- a. Friendship, Inc.
- b. Gulf Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-84 (Bond Release Ryan Road Plaza) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-84

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND
AND CASH BOND FOR THE RYAN ROAD PLAZA PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by WE2 Ryan Road, LLC for the release of the remaining portions of the Performance Bond and Cash Bond being held by the Township for the Ryan Road Plaza Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated January 25, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the remaining portions of the Performance Bond and Cash Bond being held by the Township conditioned upon the posting of a Maintenance Bond in the amount of \$62,950.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the remaining portions of the Performance Bond and Cash Bond posted for the Ryan Road Plaza Project shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the posting of a Maintenance Bond in the amount of \$62,950.00; and

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

- a. WE2 Ryan Road, LLC
- b. Washington International Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

Item # 27 (Tax Collector Resolutions) was carried to the February 16th agenda.

At 9:50PM, Council Vice President Cantor moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session reconvened at 10:10PM.

RESOLUTION # 2006-79

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 2nd day of February, 2006 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 item and that such executive session should take approximately 10 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 10:15PM, Councilman Rosenthal moved that the meeting be opened. This was seconded by Council President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:17PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 16, 2006

OFFERED BY: Pernice AYES: 5

SECONDED BY: Morelli NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT