

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

FEBRUARY 16, 2006

The Marlboro Township Council held its regularly scheduled meeting on February 16, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 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, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni. Council President Morelli was absent.

Also present were: Mayor Robert Kleinberg (9:15PM), Andrew Bayer, Esq., Chief Financial Officer Ulrich Steinberg, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Council Vice President Cantor motioned to table Res. #2006-106/Ord. # 2006-11 (Amend Chapter 84 - Stormwater Management) to the March 2nd agenda. This was seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

Councilman Pernice moved that the minutes of January 2 and January 19, 2006 be approved. This motion was seconded by Councilwoman Tragni and the minutes were passed on a roll call vote of 4 - 0 (Absent: Morelli).

Council Vice President Cantor opened the Public Hearing on Ordinance # 2006-1 (Amending Chapter 84 - Operation and Protection of Farms). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2006-65/Ord. # 2006-1 (Amending Chapter 84 - Operation and Protection of Farms) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli). Andy Bayer, Esq. explained that after the last meeting, additional notifications were deemed to have been necessary, so it had been necessary to have the ordinance republished and hold a subsequent public hearing.

RESOLUTION # 2006-65

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

ORDINANCE # 2006-1

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLES I AND III OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO ALLOW FOR THE OPERATION AND PROTECTION OF FARMS IN ALL ZONES OF THE TOWNSHIP

which was introduced on January 19, 2006, public hearing held February 16, 2006, be adopted on second and final reading this 16th day of February, 2006.

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

Council Vice President Cantor opened the Public Hearing on Ordinance # 2006-5 (Exempting Houses of Worship from Bulk Drop Off Fees and other Regulations). After the public hearing, the following Resolution Res. # 2006-85/Ord. # 2006-5 (Exempting Houses of Worship from Bulk Drop Off Fees and other Regulations) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Rosenthal and passed on a roll call vote of 3 - 1 in favor with Councilman Pernice voting no (Absent: Morelli).

RESOLUTION # 2006-85

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

which was introduced on February 2, 2006, public hearing held February 16, 2006, be adopted on second and final reading this 16th 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. # 2006-86/Ord. # 2006-7 (Vacation of Drainage & Utility Easement - Block 360.02, L.12 & 13) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-86

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

ORDINANCE # 2006-7

AN ORDINANCE AUTHORIZING THE VACATION OF A DRAINAGE AND UTILITY EASEMENT HELD BY THE TOWNSHIP FOR THE PROPERTIES KNOWN AS BLOCK 360.02, Lots 12 and 13

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 March 2, 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 # 2006-7

AN ORDINANCE AUTHORIZING THE VACATION OF A DRAINAGE AND UTILITY EASEMENT HELD BY THE TOWNSHIP FOR THE PROPERTIES KNOWN AS BLOCK 360.02, Lots 12 and 13

WHEREAS, as part of a site plan approval previously granted, a drainage and utility easement along the east end of the property known as Block 360.02, Lot 13 adjacent to the property known as Block 360.02, Lot 13, which easement is depicted on the attached map and described in the Legal Description attached hereto (the "Easement"), was conveyed to the Township of Marlboro; and

WHEREAS, the owner of said properties, A + Public Warehousing, LLC has now requested, as a condition of a newly approved site plan for the properties, that the Easement be vacated; and

WHEREAS, the Mayor and Township Council have reviewed a report dated January 27, 2006 from Assistant Township Engineer Dean Staknys, wherein he states that there is no existing drainage pipe within the Easement and recommends that the request for the vacation of the Easement be granted; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to vacate the Easement.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute those documents necessary and in a form acceptable to the Township Attorney to vacate the Easement; and

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Res. # 2006-87/Ord. # 2006-8 (Vacation of Drainage & Utility Easement - Block 360.02, L. 15) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-87

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

*Attached material filed in Clerk's office.

ORDINANCE # 2006-8

AN ORDINANCE AUTHORIZING THE VACATION OF A DRAINAGE AND UTILITY
EASEMENT HELD BY THE TOWNSHIP FOR THE PROPERTY KNOWN
AS BLOCK 360, Lot 15

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 March 2, 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 # 2006-8

AN ORDINANCE AUTHORIZING THE VACATION OF A DRAINAGE AND
UTILITY EASEMENT HELD BY THE TOWNSHIP FOR THE PROPERTY
KNOWN AS BLOCK 360, Lot 15

WHEREAS, as part of a site plan approval previously granted, a
drainage and utility easement located in the center part of the
property known as Block 360, Lot 15, which easement is described in
the Legal Description attached hereto (the "Easement") was conveyed
to the Township of Marlboro; and

WHEREAS, the owner of said property has now requested, as a
condition of a newly approved site plan, that the Easement be
vacated; and

WHEREAS, the Mayor and Township Council have reviewed a report
dated May 24, 2005 from Assistant Township Engineer Dean Staknys,
wherein he states that there is no existing drainage pipe within the
Easement and recommends that the request for the vacation of the
Easement be granted; and

WHEREAS, the Township Council finds that it would be in the
best interest of the Township of Marlboro to vacate the Easement.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township
Council of the Township of Marlboro that the Mayor is authorized to

*Attached material on file in Clerk's office.

execute those documents necessary and in a form acceptable to the Township Attorney to vacate the Easement; and

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Res. # 2006-88/Ord. # 2006-9 (Establishing Rules and Regulations - Marlboro Aquatic Center) was introduced by reference, offered by Councilman Rosenthal and seconded by Councilman Pernice. Discussion followed during which Councilman Rosenthal raised questions on the fee structure and suggested amending the ordinance to refer to the facility as the Marlboro Recreation Aquatic Center. Township Attorney Andrew Bayer and CFO Ulrich Steinberg responded to the questions regarding the fees. Motion to amend the ordinance to reflect the name change was made by Councilman Rosenthal, seconded by Councilman Pernice and the ordinance as amended was then passed on a roll call vote of 4 - 0 in favor (Absent: Morelli). Council Vice President Cantor suggested that Swim Director Arthur Lawrence be present for second reading.

RESOLUTION # 2006-88

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

ORDINANCE # 2006-9

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB" 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 March 2, 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 # 2006-9 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB" OF THE CODE OF
THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 132 sets forth the rules and regulations for the operation of the Marlboro Swim Club; and

WHEREAS, the Swim Club Division has recommended that Chapter 132 be amended to also include certain rules and regulations governing the Marlboro Recreation Aquatic Center; and

WHEREAS, the Township Council and the Mayor now desire to adopt the recommendations of the Swim Club Division.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the title of Chapter 132 "Township Swim Utility, Marlboro Swim Club" of the Code of the Township of Marlboro is hereby changed to "Township Swim Utility, Marlboro Swim Club and Marlboro Recreation Aquatic Center"; and

BE IT FURTHER ORDAINED, that Sections 132-1 through Section 132-14 of Chapter 132 be recodified under Article I "Marlboro Swim Club" and that the word "chapter" throughout those sections be changed to "article"; and

BE IT FURTHER ORDAINED, that Chapter 132 be amended and supplemented to include a new article entitled Article II "Marlboro Recreation Aquatic Center" to read in its entirety as follows:

"§ 132-15 Purpose.

A. There are hereby created and established rules and regulations for the use and operation of the township swim facility known as the "Marlboro Recreation Aquatic Center."

B. Use of the Marlboro Recreation Aquatic Center shall be subject to such rules and regulations as may be promulgated by the Township Council by ordinance, resolution or by pool rules which shall be available at all times at the Swim Club Office at the Marlboro Township Municipal Complex and at the Swim Club Office at the Marlboro Recreation Aquatic Center.

§ 132-16 Definitions.

As used in this Article, the following words shall have the meanings assigned to them below:

"FACILITY" - The Marlboro Recreation Aquatic Center.

"SEASON" - The period of pool operation during a calendar year as determined by the Swim Club Division."

"SWIM CLUB DIVISION" - The Division of Swimming Facilities as defined by the Administrative Code.

§ 132-17 Membership in Facility.

A. Membership in the Marlboro Recreation Aquatic Center shall only be available to residents of the Township. The maximum number and types of memberships available for a particular year shall be established by the Administration and the Swim Club Division on an annual basis.

B. Types of Membership. Residents may purchase a weekend membership in the Marlboro Recreation Aquatic Center which entitles the member to use the Facility in accordance with a schedule that shall be established by the Swim Club Division on an annual basis. The following types of weekend memberships are available:

(1) Family membership. This membership includes a husband and wife or widow or widower and all children, natural or adopted, under the age of 25 years on or before the start of the season and unmarried, living in the same residence.

(2) Individual membership. This membership is available to any person age 15 and over on or before the start of the season. However, no such membership shall be sold to anyone under the age of 18 without the express written consent from a parent or legal guardian of the minor child.

(3) Senior membership. This membership is available to any person age 62 or older on or before the start of the season.

C. For purposes of this Section, a family membership shall count as one (1) membership and an individual membership or senior membership shall count as one-half (1/2) of a membership.

D. All memberships are non-transferable to another family. However, an individual member may, at any time, transfer their membership to another family member that is 15 years of age or

older. However, the member transferring their membership must first surrender to the Swim Club Office, their active ID card and will not be entitled to use the Facility as a member, during the unpaid season. A new ID card will then be issued to the family member to whom the membership is transferred at a fee of five dollars (\$5.00).

§ 132-18 Membership and Other Fees.

A. Membership fees for each season shall be as follows:

- (1) Weekend Family Membership - \$299.00
- (2) Weekend Individual Membership - \$150.00
- (3) Weekend Senior Membership - 75.00

B. Notwithstanding the foregoing, a family, individual or senior who has a current membership in the Marlboro Swim Club shall only be required to pay the following discounted membership fee for the Marlboro Recreation Aquatic Center:

- (1) Weekend Family Membership - \$49.00
- (2) Weekend Individual Membership - \$25.00
- (3) Weekend Senior Membership - \$13.00

C. The administrative fee for the refund of a weekend membership fee made prior to the start of the season shall be thirty-five dollars (\$35.00). There shall be no refund of any such fees after the date established for the start of the season.

D. Members who pay by check and whose checks are returned by their bank as uncollectible for any reason will be charged an additional fee of thirty-five dollars (\$35.00) for each returned check.

E. Private Swim Lessons. Each lesson shall be one-half (1/2) hour in duration and the following shall apply:

(1) Interested members shall purchase a coupon book containing three (3) coupons at a cost of sixty dollars (\$60.00);

(2) For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club Office at the Municipal Complex. The instructor shall receive fourteen dollars (\$14.00) per one-half (1/2) hour lesson; and

(3) There shall be no refund of the private swim lesson fee.

§ 132-19 Identification of Members.

A. A photo identification card shall be issued to each member, two years of age and older, which shall be shown to gain entry into the Marlboro Recreation Aquatic Center.

B. The Swim Club Office shall fix and publicize the days, hours and location where photographs will be taken and the rules and regulations thereto. Members failing to appear for the taking of their photograph at such time will be subject to a charge of \$7.00.

C. Such photo identification cards will not be transferable and their illegal transfer or misuse will result in revocation or suspension of membership.

D. Lost photo identification cards must be reported to the Swim Club Office immediately and may be replaced by payment of a fee of \$5.00.

E. Members not presenting their photo identification card at the entrance can be denied access into the facility at the discretion of the Pool Manager.

F. When requested, a member must present or surrender his or her photo identification card to the Pool Manager.

§ 132-20 Guest Books.

A. 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 two dollars and twenty-five cents (\$2.25) per coupon or forty-five dollars (\$45.00) per book.

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

	Daily Fee - Weekends			
	# of Tickets	Fee		
ADULT	4	\$9.00		
CHILD	2	\$4.50		

SENIOR	2	\$4.50		
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C. The payment of guest books will not be refundable. Book will not have an expiration date and will be good from season to season.

D. Notwithstanding the foregoing, the Pool Manager may, at his or her discretion, curtail and/or eliminate guest privileges to avoid overcrowding of the Facility.

§ 132-21 Power and authority to fix rates and charges.

Rates of admission, fees, rents or other charges for admission to, use or enjoyment of the Marlboro Recreation Aquatic Center shall be fixed by the governing body. All such receipts shall be remitted to the Township Treasurer, and the aid accounts relative to the Marlboro Recreation Aquatic Center shall be kept separate and distinct from any other account of the Township.

§ 132-22 Authority to make rules; enforcement.

A. The governing body of the Township may, by ordinance or resolution, make, alter, amend and repeal rules and regulations for the supervision, regulation and control of all activities carried on, conducted, sponsored, arranged or provided for in connection with the Marlboro Recreation Aquatic Center and for the protection or property and may prescribe and enforce fines and penalties for the violation of any such regulations.

B. The Code Enforcement Officer, Swim Club Executive Director or any police officer of the Township of Marlboro is hereby empowered to enforce the provisions of this chapter, including but not limited to the power to issue a summons to any person who violates the terms of this chapter or any regulations adopted by the Township Council or Swim Division pursuant thereto.

§ 132-23 Violations and penalties.

Any applicant or member submitting an application or correspondence to the Swim Club office at the Municipal Complex who knowingly provides false or misleading information will be subject to immediate loss of membership at the Marlboro Recreation Aquatic Center and forfeiture of any and all fees paid. The applicant or member shall also be subject to a fine at the discretion of the Municipal Court Judge of not more than \$500.00."

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.

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. # 2006-89/Ord. # 2006-10 (Amend Chapter 84 - Developer Contribution for Street Lighting) as introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-89

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

ORDINANCE # 2006-10

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II "LAND USE PROCEDURES", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO REQUIRING DEVELOPERS TO PAY A CONTRIBUTION FEE TOWARD STREET LIGHTING

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 March 2, 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 # 2006-10__

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II "LAND USE PROCEDURES", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF

THE CODE OF THE TOWNSHIP OF MARLBORO REQUIRING DEVELOPERS TO PAY A
CONTRIBUTION FEE TOWARD STREET LIGHTING

WHEREAS, the Township has chosen to participate in a streetlight contribution program with the local electrical utility; and

WHEREAS, this contribution program requires a higher upfront outlay toward the purchase and installation of streetlights in exchange for reduced electrical bills over the life of the lights (the "Contribution Fee"); and

WHEREAS, in furtherance of this goal, the Mayor and the Township Council adopted Ordinance #2005-53 creating a new Section 84-26.1 to Article II, "Land Use Procedures", Chapter 84 "Land Use Development and Regulations", requiring developers to pay the Contribution Fee and also requiring developers to pay into an escrow account, as a condition of beginning construction activity, the operating costs associated with the streetlights, until such time as the Township accepts the streets within the development; and

WHEREAS, the Mayor and Council have determined that it is administratively cumbersome to maintain escrow accounts in connection with the construction of street lighting units required to be installed by the developer either on or off-site along a street, parking area, walkway or other area dedicated or to be dedicated to the Township or County, pursuant to the approval of the Zoning Board of Adjustment or the Planning Board, as the case may be.

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 Section 84.26.1 "Streetlight Contribution Program and Operating Costs", Article II "Land Use Procedures", Chapter 84 "Land Use Development and Regulations", "§84-26.1e amended and supplemented as follows:

"§ 84-26.1 Street Light Contribution Program and Operating Costs.

The second to last sentence of Paragraph A shall to be amended and supplemented to read as follows:

"The amount of the required payment shall be included in the developer's agreement and shall be paid prior to the commencement of construction activity by the developer."

The last sentence of Paragraph A shall be deleted in its entirety.

Paragraph B shall be deleted in its entirety and shall be replaced with the following:

"In conformance with N.J.S.A. 40:55D-53.6, the Township shall only make appropriate arrangements with the public utility for, and assume the payment of, the costs of the street lighting on a public street, parking area, walkway or other area dedicated or to be dedicated to the Township, pursuant to the approval of the Zoning Board of Adjustment or the Planning Board upon the developer providing the Township written proof from the public utility that the developer has fully paid the public utility for the operating costs associated with the streetlights up through and including the date the Township accepts responsibility for the streetlights."

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

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

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

The following Res. # 2006-90 (Authorizing 2006 Mosquito Spraying Program) as introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-90

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Township of Marlboro.

We understand that all pesticides used are approved for aerial application by the State and Federal governments.

It is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

The following Res. # 2006-91 (Transfers) as introduced by reference, offered by Councilman Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-91

RESOLUTION AUTHORIZING TRANSFER
OF APPROPRIATION RESERVES
DURING FIRST THREE MONTHS
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2005 Municipal Budget) as follow:

From:

Council OE	2,500.00
Tax Assessor OE	7,500.00
Public Information OE	2,500.00
Tax Collection OE	2,500.00
Engineering S&W	21,000.00
Police OE	10,000.00

To:

Sewer OE	1,000.00
Legal OE	45,000.00

by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-94

WHEREAS, the Township of Marlboro Annual Financial Statement dated 12/31/05 reflects the following appropriated grant balances, and

WHEREAS, the following balances are deemed to have been spent through the Township operating budget rather than processed through the appropriate grant account, and

WHEREAS, there are no offsetting receivable balances for these grants.

NOW, THEREFORE, BE IT RESOLVED that the following appropriated grant balances are hereby cancelled and reimbursed to Current Fund prior year budgets.

Alcohol Rehabilitation Grant	\$	15,959.02
Aggressive Driver grant		35.00
Bulletproof Vest Grant		4,921.36
Municipal Drug Alliance		366.57
Emergency Road & Bridge Repair		5,057.53
1997 Hazardous Discharge Grant		6,208.92
Hazardous Discharge fund		516,882.85
Statewide Domestic Violence		1,686.40
Special Legislative Grant		37.13
Traffic Safety		6,975.54
Aggressive Driver Grant		2,675.00
Body Armor Grant		6,679.47
Bulletproof Vest Grant		2,244.00
Total	\$	569,728.79

The following Res. # 2006-95 (Authorizing Signatories on Court accounts) was introduced by reference as amended, offered by Council Vice President Cantor, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-95 (AS AMENDED)

RESOLUTION AUTHORIZING SIGNATORIES
ON COURT ACCOUNTS

WHEREAS, the Municipal Court of the Township of Marlboro is required to have separate accounts for court and bail; and

WHEREAS, deposits and disbursements are made to these accounts; and

WHEREAS, the bank requires signatories on these accounts.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, that Municipal Court Judge Richard Gantner, Court Administrator Irene Moore and Assistant Court Administrator Susan Thomas are hereby named as authorized signatories on the General Account and the Bail Account for the Municipal Court.

The following Res. # 2006-43 (carried from 1/19) Authorizing Amendment to Contract for Labor Counsel - Scarinci & Hollenbeck) as introduced by reference, offered by Councilman Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-43

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR SPECIAL COUNSEL SERVICES BETWEEN THE TOWNSHIP OF MARLBORO AND MATTHEW GIACOBBE, ESQ. OF SCARINCI AND HOLLENBECK, LLC

WHEREAS, by Resolution #2005-52, the Township Council authorized a professional services contract for the 2005 calendar year between the Township of Marlboro and Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC to provide legal services to the Township of Marlboro on labor matters for an amount not to exceed \$50,000.00 (the "Contract"); and

WHEREAS, by Resolution #2005-360, the Township Council authorized an amendment to the Contract increasing the total contract amount from \$50,000.00 to an amount not to exceed \$100,000.00; and

WHEREAS, subsequently, Mr. Giacobbe's services were utilized more frequently than expected in relation to certain employment disputes; and

WHEREAS, it is necessary to amend the Contract to increase the total contract amount from \$100,000.00 to \$140,000.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Attorney,

Andrew Bayer, is hereby authorized to execute a second amendment to the Contract to increase the total contract amount from \$100,000.00 to \$140,000; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this amendment to the Contract, which is attached hereto, and that sufficient funds are available for said amendment to the Contract from Account Number 5-01-050-283; and

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

- a. Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2006-96 (Authorizing Contract Birdsall) as introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-96

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICE CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") and respective fees to the Township of Marlboro to provide the required professional engineering services:

- 1) Watershed Management Coordination for an amount not to exceed \$30,000.00;
- 2) Tier A Municipal Stormwater General Permit, Stormwater Outfall Pipe Inspections for an amount not to exceed \$19,500.00;
- 3) Petition for Initial Plan Endorsement for an amount not to exceed \$15,100.00;

- 4) Planning Services related to the Conservation, Recreation and Farmland Preservation Elements of the Township's Master Plan for an amount not to exceed \$41,168.40;
- 5) Engineering Services Relative to Replacement of Shade Umbrellas for the Township's Swim Club Complex (two phases): Procurement and Bid Support for an amount not to exceed \$6,900 and Construction Administration for an amount not to exceed \$10,100 - Total \$17,000;
- 6) Engineering Services Related to the Construction of a Recreational Pavilion for the Township's Swim Club Complex (two phases): Procurement and Bid Support for an amount not to exceed \$13,500 and Construction Administration for an amount not to exceed \$7,500 - Total \$21,000;

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposals; 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 contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the

Township of Marlboro to provide the required professional services in accordance with the Proposals; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contracts from the following Account Numbers:

- 1) Watershed Management Coordination - X-04-55-949-801
- 2) Municipal Stormwater Permit - X-16-58-856-806
- 3) Initial Plan Endorsement - X-18-56-858-028
- 4) Planning Services - Master Plan - T-15-56-859-815
- 5) Swim Club - Umbrellas - 6-07-701-786
- 6) Swim Club - Pavilion - 6-07-701-786

BE IT FURTHER RESOLVED, that Birdsall Engineering, Inc.'s Business Entity Disclosure Certification is attached hereto; and

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. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2006-97 (Change Order No. 1 - Procomm Systems - Renovation Municipal Complex) as introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-97

A RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
AWARDED TO PROCOMM SYSTEMS, INC. FOR THE PERFORMANCE OF
ELECTRICAL MODIFICATIONS FOR THE TOWNSHIP OF MARLBORO
MUNICIPAL COMPLEX

WHEREAS, by Resolution #2005-196, the Township of Marlboro awarded a contract to Procomm Systems, Inc., the lowest qualified bidder, for the performance of electrical modifications for the Township of Marlboro Municipal Complex for a total contract amount of \$81,250.00 (the "Contract"); and

WHEREAS, Procomm Systems, Inc. was required to perform additional work outside of the Contract including the installation

of an exit light, two receptacles, two data jacks, two switches and relocation of various outlets for a total cost of \$2,765.00; and

WHEREAS, the Director of Public Works has recommended that the Township Council authorize Change Order #1 to the Contract for \$2,765.00, thereby increasing the total contract amount to \$84,015.00; 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 public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute Change Order #1 to the Contract between the Township of Marlboro and Procomm Systems, Inc. increasing the total contract amount to \$84,015.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for Change Order #1, which is attached hereto, and that sufficient funds are available for said change order from Account Number X-04-55-944-901; and

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

- a. Procomm Systems, Inc.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

The following Res. # 2006-98 (Reject and Rebid - Pool Maintenance Service Swim Club) as introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-98

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Pool Maintenance Service Swim Club

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Pool Maintenance Service Swim Club

as required by law.

The following Res. # 2006-99 (Authorizing Contract - Appraiser - Tax Appeals) as introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-99

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BUCHALSKI, REYNOLDS & BRODOWSKI AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PROFESSIONAL VALUATION AND CONSULTING SERVICES IN CONNECTION WITH A TAX APPEAL

WHEREAS, Sunrise Marlboro Assisted Living Facility, located on the property identified on the Township of Marlboro tax records as Block 355, Lot 3.01 (the "Property"), filed an appeal challenging its tax assessment for 2005 (the "Tax Appeal"); and

WHEREAS, a mandatory settlement conference is scheduled for the parties on March 3, 2006; and

WHEREAS, prior to said settlement conference, it is necessary for a limited summary valuation to be completed in order for the Township to make a preliminary determination regarding the value of the Property; and

WHEREAS, the Township has requested proposals to provide the required professional valuation and consulting services for the Tax Appeal; and

WHEREAS, Buchalski, Reynolds & Brodowski submitted a proposal dated February 1, 2006 (the "Proposal"), which is attached hereto and incorporated herein, to provide the necessary professional valuation and consulting services for the Tax Appeal for an amount not to exceed \$2,000.00; and

WHEREAS, the Township Council deems it necessary and in the best interest of the municipality to hire Buchalski, Reynolds & Brodowski to provide the required professional valuation and consulting services for the Tax Appeal; 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 Buchalski, Reynolds & Brodowski to provide the required valuation and consulting services for the Tax Appeal for an amount not to exceed \$2,000.00 in accordance with its Proposal; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-01- 45-288; and

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

- a. Buchalski, Reynolds & Brodowski
- b. Township Tax Assessor
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli): Res. #2006-100 (Award of Contract - Lawn Service Swim Club - Pioneer), Res. #2006-101 (Award of Contract - Lawn Chemicals Swim Club - Shamrock), Res. #2006-102 (Award of

Contract - Grounds Maintenance Swim Club - Pioneer), Res. # 2006-103 (Authorizing Refund for Overpayment B. 360, L. 25.37) and Res. #2006-104 (Amendment to Bingo License - St. Gabriel's).

RESOLUTION # 2006-100

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO PIONEER LAWN & LANDSCAPING, INC. FOR THE PROVISION OF LAWN CUTTING SERVICES FOR THE TOWNSHIP OF MARLBORO SWIM DIVISION

WHEREAS, the Township of Marlboro Swim Division mailed to interested lawn service firms a set of specifications requesting estimates for costs for (a) lawn cutting; (b) lawn chemical services and optional extras; and (c) general grounds maintenance for the Marlboro Swim Club and requested a response by a specific date; and

WHEREAS, four (4) estimates for lawn cutting services were received as follows:

1. Pioneer Lawn & Landscaping, Inc., Manalapan, New Jersey in the amount of \$7,650.00 for 2006 and \$7,650.00 for 2007, for a total of \$15,300.00;
2. Shamrock Lawn & Landscape, Inc., Marlboro, New Jersey in the amount of \$8,400.00 for 2006 and \$8,400.00 for 2007, for a total of \$16,800.00;
3. The Vaccarella Group, Aberdeen, New Jersey in the amount of \$8,415.00 for 2006 and \$8,675.00 for 2007, for a total of \$17,090.00; and
4. Dreamscape Turf Management, Marlboro, New Jersey in the amount of \$10,200.00 for 2006, \$10,400.00 for 2007, for a total of \$20,600.00; and

WHEREAS, the aggregate amount of the lowest estimate provided for lawn cutting services does not exceed \$21,000.00 in a contract year, thereby allowing the contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Swim Division have reviewed the estimates received and recommend that a one-year contract be awarded to Pioneer Lawn and Landscaping, Inc. for 2006 with an option to renew the contract in 2007 on the same terms and conditions; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a one-year contract to Pioneer Lawn and Landscaping, Inc. in 2006 as the lowest estimate provided for the provision of lawn cutting services in 2006, with an option to renew the contract in 2007.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide lawn cutting services be and hereby is awarded to Pioneer Lawn and Landscaping, Inc. and that the Mayor is authorized to execute a one-year contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Pioneer Lawn and Landscaping, Inc. for the provision of lawn cutting services for the Swim Division in an amount not to exceed \$7,650.00 for 2006, with an option to renew the contract in 2007 based upon the same terms and conditions; and

BE IT FURTHER RESOLVED 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; and

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

- a. Pioneer Lawn and Landscaping, Inc., Manalapan, NJ
- b. Swim Division
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-101

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
SHAMROCK LAWN & LANDSCAPE, INC. FOR THE PROVISION OF LAWN
CHEMICAL SERVICES AND OPTIONAL EXTRAS FOR THE TOWNSHIP OF
MARLBORO SWIM DIVISION

WHEREAS, the Township of Marlboro Swim Division mailed to interested lawn service firms a set of specifications requesting estimates for costs for (a) lawn cutting; (b) lawn chemical services and optional extras; and (c) general grounds maintenance for the Marlboro Swim Club and requested a response by a specific date; and

WHEREAS, three (3) estimates for lawn chemical services and optional extras were received as follows:

1. Shamrock Lawn & Landscape, Inc., Marlboro, New Jersey in the amount of \$5,100.00 for 2006, \$5,100.00 for 2007, and \$3,900.00 for optional extras for a total of \$14,100.00; and
2. Pioneer Lawn & Landscaping, Inc., Manalapan, New Jersey in the amount of \$4,200.00 for 2006, \$4,200.00 for 2007, and \$6,300.00 for optional extras for a total of \$14,700.00; and
3. Dreamscape Turf Management, Marlboro, New Jersey in the amount of \$4,200.00 for 2006, \$4,200.00 for 2007, and \$6,630.00 for optional extras for a total of \$15,030.00; and

WHEREAS, the aggregate amount of the lowest estimate provided for lawn chemical services does not exceed \$21,000.00 in a contract year, thereby allowing the contract to be awarded pursuant to N.J.S.A. 40A: 11-3 without public advertising for bids; and

WHEREAS, the Administration and the Swim Division have reviewed the estimates received and recommend that a one-year contract be awarded to Shamrock Lawn & Landscape, Inc. for 2006 with an option to renew the contract in 2007 in accordance with the estimate submitted; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a one-year contract to Shamrock Lawn & Landscape, Inc. in 2006 as the lowest estimate provided for the provision of lawn chemical services and optional extras in 2006, with an option to renew the contract in 2007.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide lawn chemical services be and hereby is awarded to Shamrock Lawn & Landscape, Inc. and that the Mayor is authorized to execute a one-year contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Shamrock Lawn & Landscape, Inc. for the provision of lawn chemical services for the Swim Division in an amount not to exceed \$4,200.00 for 2006, with an option to renew the contract in 2007 based upon the estimate submitted by Shamrock Lawn & Landscape, Inc.; and

BE IT FURTHER RESOLVED 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; and

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

- a. Shamrock Lawn & Landscape, Inc.
- b. Swim Division
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-102

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
SHAMROCK LAWN & LANDSCAPE, INC. FOR THE PROVISION OF
GROUNDS MAINTENANCE SERVICES FOR THE TOWNSHIP OF MARLBORO
SWIM DIVISION

WHEREAS, the Township of Marlboro Swim Division mails to interested lawn service firms a set of specifications requesting estimates for costs for (a) lawn cutting; (b) lawn chemical services and optional extras; and (c) general grounds maintenance for the Marlboro Swim Club and requested a response by a specific date; and

WHEREAS, three (3) estimates for grounds maintenance services were received as follows:

1. Pioneer Lawn & Landscaping, Inc., Manalapan, New Jersey for \$40.00 per hour for labor and materials in 2006 and \$40.00 per hour for labor and materials in 2007; and
2. Shamrock Lawn & Landscape, Inc., Marlboro, New Jersey for \$35.00 per hour for labor and materials in 2006 and \$35.00 per hour for labor and materials in 2007; and
3. Dreamscape Turf Management, Marlboro, New Jersey for \$75.00 per hour for labor and materials in 2006 and \$77.00 per hour for labor and materials in 2007; and

WHEREAS, the aggregate amount of the lowest estimate provided for grounds maintenance services does not exceed \$21,000.00 in a contract year, thereby allowing the contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Swim Division have reviewed the estimates received and recommend that a one-year contract be awarded to Shamrock Lawn & Landscape, Inc. for 2006 in an amount not to exceed \$10,000.00 with an option to renew the contract in 2007 in

accordance with the estimate submitted by Shamrock Lawn & Landscape;
and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a one-year contract to Shamrock Lawn & Landscape, Inc. in 2006 for an amount not to exceed \$10,000.00 for the provision of ground maintenance services in 2006, with an option to renew the contract in 2007.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide ground maintenance services be and hereby is awarded to Shamrock Lawn & Landscape, Inc. and that the Mayor is authorized to execute a one-year contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Shamrock Lawn & Landscaping, Inc. for the provision of ground maintenance services for the Swim Division in an amount not to exceed \$10,000.00 for 2006, with an option to renew the contract in 2007 in accordance with the estimate submitted by Shamrock Lawn & Landscaping, Inc.; and

BE IT FURTHER RESOLVED 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; and

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

- a. Shamrock Lawn & Landscape, Inc.
- b. Swim Division
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-103

WHEREAS, an overpayment of 2006 first quarter taxes has been received from Countrywide Home Loans in the amount of \$3,006.37, for Block 360 Lot 25.37, located at 8 Whipple Way, assessed to Chau Ming Yuen & Salina Ho,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$3,006.37 to Countrywide Home Loans.

RESOLUTION # 2006-104

BE IT RESOLVED by the Township Council of the Township of Marlboro that an amendment to Bingo License # BL:02-05/06 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746 to allow a change to their conduct of games starting March 13, 2006 through December 18, 2006.

At 9:25PM, Councilwoman Tragni moved that the meeting go into executive session for reason of discussing namely personnel and litigation. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session commenced at 9:45PM.

RESOLUTION # 2006-105

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 16th 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 and personnel.

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 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 10:00PM, Councilman Rosenthal moved that the meeting be opened. This was seconded by Council Vice President Cantor, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Morelli).

At 10:02PM, Councilman Rosenthal 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 (Absent: Morelli).

MINUTES APPROVED: March 16, 2006

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Rosenthal

NAYS: 0

ABSTAIN: Morelli

ALIDA DE GAETA
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL VICE PRESIDENT