

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 5, 2009

The Marlboro Township Council held its regularly scheduled meeting on March 5, 2009 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this 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 2, 2009; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building posted on the Marlboro Township Website, and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

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

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

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-5 (Authorizing Easement Sidewalk B. 225, L. 195). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-106/Ord. # 2009-5 (Authorizing Easement Sidewalk B. 225, L. 195) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-106

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

ORDINANCE # 2009-5

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT EASEMENT FOR A PUBLIC SIDEWALK FROM 107 ROUTE 79 ASSOCIATES OVER A PORTION OF THE PROPERTY KNOWN AS BLOCK 225, LOT 195, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY AS PART OF A CONDITION OF SITE PLAN APPROVAL FROM THE TOWNSHIP OF MARLBORO PLANNING BOARD

which was introduced on February 12, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-6 (Amend Chapter 84 - Zone Change B. 119, L. 4 - AH-TR Affordable Housing - Ticetown Road District). After the Public Hearing was held and closed, COAH Attorney Kenneth Biedzynski and Susan Gruel of Heyer, Gruel Associates explained the proposed Ingerman group project on Ticetown Road. Discussion followed, after which the following Res. # 2009-107 /Ord. # 2009-6 (Amend Chapter 84 - Zone Change B. 119, L. 4 - AH-TR Affordable Housing - Ticetown Road District) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-107

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

ORDINANCE # 2009-6

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY BY ADDING A NEW SUB-SECTION 84-48.7 "AH-TR AFFORDABLE HOUSING - TICETOWN ROAD DISTRICT", TO RE-ZONE CERTAIN LOTS TO PERMIT THE DEVELOPMENT OF AFFORDABLE HOUSING

which was introduced on February 12, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

Council took a five minute recess.

Council President Rosenthal opened the Public Hearing on Ordinance Ord. #2009-007 (Replacing Chapter 91 - Mobile Homes Rent Control). After the representative from Wickatunk Village spoke, the public hearing was continued later in the meeting since Special Counsel Ken Biedzynski was not in the audience to address questions.

Council President Rosenthal opened the Public Hearing on Ordinance #2009-010 (Amend Chapter 12 - Environmental Commission Members - Adding Two Alternate Positions). As there was no one who wished to speak, the Public Hearing was closed. The following Res.# 2009-111/Ord. # 2009-10 (Amend Chapter 12 - Environmental Commission Members - Adding Two Alternate Positions) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-111

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

ORDINANCE # 2009-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12, "ENVIRONMENTAL COMMISSION", SECTION 12-1 "CREATION" TO REVISE THE AUTHORIZING STATUTE AND SECTION 12-2 "COMPOSITION; TERMS; REMOVAL", BY ADDING TWO ALTERNATE MEMBERS

which was introduced on February 12, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

Council President Rosenthal opened the Public Hearing on Ordinance #2009-011 (Amend Chapter 103 - Daily Parking Fee - Increase to \$2). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-112/Ord. # #2009-011 (Amend Chapter 103 - Daily Parking Fee - Increase to \$2) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-112

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

ORDINANCE # 2009-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 103, "PARKING: MUNICIPAL FACILITIES", ARTICLE IA, "DAILY PARKING SECTION OF UNION HILL LOT", SECTION 103-9.3, "MANNER OF PARKING; REGULATIONS; FEE", SUB-SECTION (A) OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCREASE THE FEE FROM ONE DOLLAR TO TWO DOLLARS

which was introduced on February 12, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

Council President Rosenthal opened the Public Hearing on Ordinance #2009-012 (Amend Chapter 108 - Peace and Good Order - Clarify Prohibited Activities). As there was no one who wished to speak, the Public Hearing was closed. There was a brief discussion between Council Vice President LaRocca and Township Attorney Jonathan Williams, Esq after which the following Res. # 2009-113/Ord. #2009-012 (Amend Chapter 108 - Peace and Good Order - Clarify Prohibited Activities) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-113

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

ORDINANCE # 2009-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 108,  
"PEACE AND GOOD ORDER", ARTICLE I, "DISORDERLY CONDUCT",  
SECTIONS 108-1 THROUGH 108-3, OF THE CODE OF THE TOWNSHIP  
OF MARLBORO, TO CLARIFY PROHIBITED ACTIVITIES AND THE  
VIOLATION AND PENALTIES APPLICABLE THERETO

which was introduced on February 12, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

Council President Rosenthal reopened the Public Hearing on Ordinance Ord. #2009-007 (Replacing Chapter 91 - Mobile Homes Rent Control). After discussion, Councilwoman Marder motioned to table Ord. #2009-007 (Replacing Chapter 91 - Mobile Homes Rent Control) and to carry the Public Hearing to the March 19<sup>th</sup> agenda. This was seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor of tabling.

Motion to table Res. #2009-109/Ordinance #2009-8 (Amend Chapter 92 - Mobile Homes Licensing and Maintenance) and to carry the Public Hearing to March 19<sup>th</sup> was made by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor of tabling.

Motion to table Res. #2009-110/Ordinance #2009-9 (Amend Chapter 84 - MHD-II- Mobile Home Park District) and to carry the Public Hearing to March 19<sup>th</sup> was made by Councilwoman Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor of tabling.

Council President Rosenthal opened the Public Hearing on Ordinance #2009-013 (Amend Chapter 132 - Swimming Pool Facility - Rules and Regulations Pertaining to Township Events). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-114/Ord. #2009-013 (Amend Chapter 132 - Swimming Pool Facility - Rules and Regulations Pertaining to Township Events) was introduced by reference, offered by Councilwoman Tragni, seconded Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-114

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

ORDINANCE # 2009-13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132, "SWIMMING POOL FACILITY, MUNICIPAL", SECTION 132-8, "RULES AND REGULATIONS ENFORCEMENT", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO ADD A NEW SUB-SECTION 132-8(I) TO ALLOW THE SWIM CLUB DIVISION TO ADOPT RULES AND REGULATIONS PERTAINING TO ALCOHOL CONSUMPTION AT CERTAIN EVENTS

which was introduced on February 12, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

Council President Rosenthal opened the Public Hearing on Ordinance #2009-014 (Amend Chapter 105 - Parks and Playgrounds - Public Events). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-115/Ord. #2009-014 (Amend Chapter 105 - Parks and Playgrounds - Public Events) was introduced by reference, offered by Councilman Cantor, seconded Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-115

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

ORDINANCE # 2009-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 105 "PARKS AND PLAYGROUNDS", SECTIONS 105-2, "USE AND POSSESSION OF INTOXICATING BEVERAGES" AND 105-3 "PERSONS UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO ALLOW POSSESSION OF ALCOHOLIC BEVERAGES AT AUTHORIZED PUBLIC EVENTS WHICH HAVE BEEN ISSUED A VALID LICENSE TO SELL ALCOHOLIC BEVERAGES

which was introduced on February 12, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

Council President Rosenthal opened the Public Hearing on Ordinance #2009-015 (Amend Chapter 55 - Construction Code - Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-116/Ord. #2009-015 (Amend Chapter 55 - Construction Code - Fees) was introduced by reference, offered by Councilman Cantor, seconded Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-116

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

ORDINANCE # 2009-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55, "CONSTRUCTION CODES, UNIFORM", SECTION 55-3, "FEES", SUB-SECTION 55-3(A), "CONSTRUCTION PERMIT FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on February 19, 2009, public hearing held March 5, 2009, be adopted on second and final reading this 5th day of March, 2009.

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

The following Res. #2009-117 (Bond Release Maple Woods - B. 120, Lots 59.02 - 59.05) was introduced by reference, offered by Council Vice President LaRocca, seconded by Council President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-117

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR MAPLE WOODS SUBDIVISION, BLOCK 120, LOTS 59.02 to 59.05,  
ALSO KNOWN AS 333 - 339 TEXAS ROAD, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for site improvements for the Development known as the Maple Woods Subdivision, Block 120, Lots 59.05 to 59.05, also known as 333 - 339, Texas Road, Marlboro, New Jersey, posted by Echo Lake Development, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 23, 2009 regarding the Maple Woods Subdivision, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current cash Performance Guarantee being held by the Township be released in its entirety; and

WHEREAS, the release of the Performance Guarantee shall be conditioned upon: (1) payment of all outstanding inspection fee charges up to the time of the cash bond release; (2) the posting of a maintenance guarantee in the amount of \$7,208.00; and (3) the establishment of a maintenance period inspection escrow of \$500.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described cash Performance Guarantee posted by Developer for the site improvements at the development known as Maple Woods Subdivision, Block 120, Lots 59.02 to 59.05, also known as 333-339 Texas Road, Marlboro, New Jersey, shall be released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon: (1) payment of all outstanding inspection fee charges to the time of cash bond release; (2) the posting of a maintenance guarantee in the amount of \$7,208.00; and (3) the establishment of a maintenance period inspection escrow of \$500.00; and

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

- a. Echo Lake Development, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-118 (Grading & Clearing Bond Release - Ryan Plaza Site Plan ) was introduced by reference, offered by Councilwoman Tragni and seconded by Council President Rosenthal. There was a brief discussion between Council members and Township Attorney Jonathan Williams, Esq. after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-118

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR RYAN PLAZA SITE PLAN, BLOCK 412, LOTS 168.01 to 168.03, ALSO KNOWN AS ROUTE 79/RYAN ROAD, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for grading and clearing activities which commenced before site improvements, for the Development known as the Ryan Plaza Site Plan, Block 412, Lots 168.01 to 168.03, also known as Route 79/Ryan Road, Marlboro, New Jersey, posted by WE 2 Ryan Road, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 23, 2009 regarding the Ryan Plaza Site Plan, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current cash Performance Guarantee being held by the Township be released in its entirety; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described cash Performance Guarantee posted by Developer for grading and clearing activities which commenced before site improvements at the development known as the Ryan Plaza Site Plan, Block 412, Lots 168.01 to 168.03, also known as Route 79/Ryan Road, Marlboro, New Jersey, shall be released in its entirety; and

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

- a. WE 2 Ryan Road, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-119 (Supporting Participation in Sustainable Jersey Municipal Certification Program) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilman Cantor. Council Vice President LaRocca explained the program, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-119

RESOLUTION SUPPORTING PARTICIPATION IN THE  
SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, the New Jersey State League of Municipalities' Mayors' Committee for a Green Future, the Municipal Land Use center at the college of New Jersey and the New Jersey Sustainable State Institute at Rutgers University's Edward J. Bloustein School of Planning and Public Policy have initiated the Sustainable Jersey Program to assist New Jersey's municipalities to go green and to become more sustainable; and

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Marlboro strives to save tax dollars, assure clean land, air and water, improve working and

living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro hereby acknowledge that the residents of the Township of Marlboro desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Mayor and Township Council desire to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path, Marlboro is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Township of Marlboro, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Township shall focus its attention and effort within the Township on matters of sustainability and that the Mayor and Township Council desire to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification from the Sustainable Jersey Program; and

BE IT FURTHER RESOLVED, that the Mayor and Township Council hereby authorizes Mayor Jonathan L. Hornik to serve as Marlboro's agent for the Sustainable Jersey Municipal Certification process and further authorizes such agent to complete the Municipal Registration on behalf of Marlboro Township; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Sustainable Jersey Program.

The following Res. #2009-120 - Sustainable Land Use Pledge) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-120

A RESOLUTION FOR SUSTAINABLE LAND USE PLEDGE

WHEREAS, land-use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space and allow for continued use of vital natural resources; and

WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead; and

WHEREAS, the Township Council of the Township of Marlboro desires to update its zoning and its master plan to make the Township of Marlboro a sustainable community and deems that same is in the best interests of the public welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the Township shall take the following steps with regard to the Township's municipal land-use decisions with the intent of making the Township of Marlboro a truly sustainable community and shall include these principles in the next master plan revision and update of the Township's zoning as follows:

1. Facilities Siting - To the extent feasible, the Township pledges to take into consideration factors such as walkability, bikability, access to transit and proximity to other uses when siting new or relocated municipal facilities because the actions of a municipality when locating its own facilities can set a positive precedent and encourage other public and private sector entities to consider sustainable land-use considerations into account when locating their own facilities; and

2. Housing Variety - the Township pledges, through the use of its zoning and revenue generating powers, to foster a diverse mix of housing types to meet the needs of people from all ages and

walks of life. A variety of housing options, from single family homes to one-bedroom apartments, including housing affordable to people with low, moderate and middle incomes, is vital to allow residents to live and work in a municipality through various stages of their lives; and

3. Natural Resource Preservation - the Township pledges to preserve open space and create recreational opportunities within its municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of its open space, for its ecological and recreational value, is critical for a sustainable future. If feasible, the Township pledges to complete a Natural Resources Inventory to identify and assess the extent of its natural resources and to link natural resource management and protection to carrying capacity analysis and land use planning and zoning; and

4. Transportation Choices - the Township pledges to create transportation choices within the Township by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects. Because emissions from transportation make up the largest share of the state's carbon footprint, creating transportation alternatives at the local level is critical to reducing the state's overall carbon footprint; and

5. Mix of Uses - the Township pledges to use its zoning power to allow for a mix of uses in areas that make the most sense for the Township. Allowing for a mix of compatible land uses, residential units above retail stores for example, can help reduce the necessity of driving by allowing people to walk to various destinations; and

6. Green Design - the Township pledges to incorporate the principles of green design and renewable energy generation when updating its site plan and subdivision requirements. Green design strategies not only improve the environmental performance of buildings but lessen the impact of those buildings on the surrounding environment. Such strategies include energy efficiency, water conservation, indoor environmental quality, use of recycled renewable materials, construction waste reduction, reduced auto use, tree preservation, native planting, and avoidance of environmentally sensitive features; and

7. Regional Cooperation - the Township pledges to reach out to the administrations of its neighboring municipalities concerning land-use decisions, and to take into consideration

their concerns when making regional level land-use decisions. Local land-use decisions can often have regional impacts, even though they are decided exclusively by one municipality. For example, a large mall built in one municipality can affect traffic and retail opportunities in neighboring towns.

8. Parking Regulations - the Township pledges to reevaluate its parking requirements with the goal of limiting the amount of required parking spaces and promoting shared parking. In areas where walking, biking, and transit are possible, stringent parking requirements can hinder the goal of creating vibrant centers that have a critical mass or people to support local arts, shopping, and other services. Flexible parking requirements decrease the amount of land dedicated to parking lots, storm water runoff, land clearing, and heat island effects, while promoting transportation alternatives to individual automobile use. Evaluate areas to install safe and secure bicycle parking. Evaluate parking revenues, where fee for parking may be implemented or needs to be implemented.

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

- a. Sustainable Jersey c/o NJ Sustainable State Institute, Bloustein School of Planning and Public Policy, Rutgers University, 33 Livingston Avenue, New Brunswick, NJ 08901
- b. Mayor Jonathan L. Hornik
- c. Business Administrator
- d. Zoning Officer
- e. Township Planner
- f. Township Engineer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-121 (Adopting Hazard Mitigation Plan) was introduced by reference, offered by Councilman Cantor and seconded by Council President Rosenthal. Discussion followed, during which Sgt. Christopher Cherbini, who was in the audience, answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-121

A RESOLUTION AUTHORIZING THE ADOPTION OF A MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN  
PROMULGATED BY THE MONMOUTH COUNTY  
OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, the Township of Marlboro, State of New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks; and

WHEREAS, the New Jersey Office of Emergency Management provided federal mitigation funds to support development of the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Plan (the "Plan"); and

WHEREAS, the Plan has been developed by the Mitigation Planning Committee; and

WHEREAS, the Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS, the Monmouth County Office of Emergency Management held two public meetings on July 17, 2007 and November 29, 2007 to introduce the planning concept and to solicit questions and public comments and to present the Plan and to solicit public comments, as required by law; and

WHEREAS, the Township Council of the Township of Marlboro deems that it is in the best interest of public safety and welfare to adopt the Plan promulgated by the Monmouth County Office of Emergency Management.

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

1. The Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Plan (the "Plan") promulgated by the Monmouth County Office of Emergency Management, as may be amended from time to time by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management, without the need for

further municipal action, is hereby adopted as an official Plan of the Township of Marlboro; and

2. The Marlboro Office of Emergency Management and the various Municipal Departments identified in the Plan are hereby encouraged to pursue implementation of the recommended high priority activities that are applicable to their departments; and
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, which shall be at the discretion of the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, and this Resolution shall not be interpreted so as to mandate any such appropriations; and
4. The Marlboro Office of Emergency Management is hereby designated to coordinate with other offices of emergency management and shall periodically report on the activities, accomplishments and progress as to the implementation of the Plan, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management, such annual progress reports to be submitted no later than September 15<sup>th</sup> of each year.

Councilwoman Marder recused herself from Item #22 (Res. #2009-122 (Authorizing Developers Agreement - Ambten Road Assoc.) and left the room.

The following Res. #2009-122 (Authorizing Developers Agreement - Ambten Road Assoc.) was introduced by reference, offered by Councilman Cantor and seconded by Council President Rosenthal. There was a brief discussion between Council and Township Attorney Jonathan Williams, Esq. after which the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2009-122

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT  
BETWEEN THE TOWNSHIP OF MARLBORO AND AMBTEN ROAD ASSOCIATES,  
LLC FOR THE SITE WORK TO BE CONSTRUCTED AT BLOCK 172,  
LOT 41, MARLBORO, NEW JERSEY

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution granting Site Plan Approval for the property known as Block 172, Lot 41 on the official tax map of the Township of Marlboro, County of Monmouth, State of New Jersey; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, Ambten Road Associates, LLC, for the Site Plan on the property, known as Block 172, Lot 41 on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro.

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

- a. Ambten Road Associates, LLC
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-123 (Authorizing Addendum Govdeals - On Line Auctions) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-123

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

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

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

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

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

WHEREAS, by Resolution # 2008-397, the Township Council of the Township of Marlboro authorized the execution of an Agreement with govdeals.com to carry out on-line auctions of municipal property not needed for public use; and

WHEREAS, in order to reduce administrative costs associated with online auctions, the Mayor and Township Council deem that it is in the best interests of the Township of Marlboro to enter into an addendum to the Agreement with govdeals.com which provides for govdeals.com to withhold its fees when it remits the auctions proceeds to the Township, eliminating reconciliation of paper invoices and issuances of fee checks to govdeals.com, thereby saving valuable public monies.

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 Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the Addendum to the Agreement with govdeals.com to provide for the withholding of govdeals.com on-line fees from the auction proceeds; and

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

- a. govdeals.com
- b. Mayor Jonathan Hornik
- c. Business Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

f. Division of Local Government Services,  
Department of Community Affairs

The following Res. #2009-124 (Extension of Contract - Patriot Consulting) was introduced by reference, offered by Councilwoman Tragni and seconded by Council President Rosenthal. Discussion followed, during which Council Vice President LaRocca asked for information on grants obtained previously. Mayor Hornik and Business Administrator Alayne Shepler answered his questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-124

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND PATRIOT CONSULTING GROUP, INC. FOR THE PROVISION OF GRANT SEARCH AND WRITING SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township requires the services of a consultant to provide grant writing and application services for the Township, such services to be rendered by the firm of Patriot Consulting Group, Inc. (the "Business Entity") under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to undertake professional grant writing and application services, and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, by Resolution #2008-172, adopted May 15, 2008, the Township of Marlboro awarded a one-year contract to Patriot Consulting Group, Inc., P.O. Box 252, Monmouth Beach, NJ 07750-0252 to provide grant search and writing services for the Township of Marlboro, as set forth in the proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2008-172, the parties entered into a contract for the provision of grant search and writing services dated May 20, 2008 (the "Contract"), which is on file with the Township; and

WHEREAS, in accordance with the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to

renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the proposal submitted by Patriot Consulting Group, Inc.; and

WHEREAS, Administration has recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the proposal submitted by Patriot Consulting Group, Inc.; and

WHEREAS, funds will be available in Account Number 9-01- -085-201 for an amount not to exceed \$12,000.00 pending adoption of the 2009 Municipal Budget; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract shall exceed \$17,500.00 in the aggregate; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5 will be made during the term of the contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c. 271.

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Patriot Consulting Group, Inc., P.O. Box 252, Monmouth Beach, NJ 07750-0252 for a period of one year upon the same terms and conditions specified in the proposal submitted by Patriot Consulting Group, Inc. and authorized by Resolution #2008-172, which was awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Notice of this Resolution shall be published as required by law within ten (10) days of its passage; and

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

- a. Patriot Consulting Group, Inc.
- b. Township Administrator
- c. Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. #2009-095 (Award of Bid - Janitorial Services) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President LaRocca. Discussion followed, during which Business Administrator Alayne Shepler answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-95

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF JANITORIAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of Janitorial Services for the Township of Marlboro Department of Public Works (DPW) (the "Janitorial Services") and on October 14, 2008 received four (4) bids therefor; and

WHEREAS, the four (4) bids received were as follows:

Company	Base Bid	Shampoo & Clean Carpets (Optional)	Shampoo and Steam Clean Upholstered Furniture (Optional)	Strip, Seal, Wax & Buff Tile Floors (Optional)	Total
Good Morning Care, Inc.	\$73,710.00	\$2,000.00	\$2,000.00	\$2,000.00	\$79,710.00
Urucorp. Maintenance & Contractor, Inc.	\$73,982.37	\$0.25 per s.f.	\$5.00 per unit	\$0.50 per s.f.	\$92,832.37
Oriental Pacific	\$75,600.00	\$3,840.00	\$15.00 per piece	\$2,076.00	\$81,516.00

Maintenance Co.					
All Clean Building Services, Inc.	\$83,400.00	\$0.30 per s.f.	\$15.00 each	\$\$0.35 per s.f.	Not Provided

WHEREAS, the Marlboro Township Department of Public Works reviewed the bids submitted on October 14, 2008 and recommended that Good Morning Care, Inc. be awarded the bid as the apparent lowest responsible bidder, provided that, pursuant to Section 2 of the Technical Specifications of the Bid Documents, the award of Contract shall be conditioned upon the presentation of certified copies of current completed criminal background checks on no less than six (6) employees for review by the Marlboro Township Police Department; and

WHEREAS, Section 2 of the Technical Specifications of the Bid documents, further provided that failure to provide such background checks were grounds for the disqualification of the apparent lowest bidder, in which case the award of the Contract shall be awarded to another bidder or shall be re-bid; and

WHEREAS, Good Morning Care, Inc., the apparent lowest bidder, did not provide the mandatory background checks on those employees who were to be assigned to the Township Facilities, and, despite repeated attempts to contact Good Morning Care's representatives, no responses were ever provided by Good Morning Care, Inc.; and

WHEREAS, the Marlboro Township Department of Public Works has recommended that the bid provided from Good Morning Care, Inc. be rejected as non-responsive because said bidder failed to meet the background check submission requirements which were mandatory requirements of the bid documents; and

WHEREAS, the two next-lowest bidders, Urucorp Maintenance & Contractor, Inc. and Oriental Pacific Maintenance Co. were responsive to all Bid document requirements, including the background checks, and the Marlboro Police Department completed all background checks to the Department's satisfaction; and

WHEREAS, Urucorp Maintenance & Contractor, Inc. and Oriental Pacific Maintenance Co. extended their bid prices in accordance with the provisions of the Local Public Contracts Law; and

WHEREAS, the Department of Public Works has recommended that the Contract for Janitorial Services be awarded to the second lowest bidder, Urucorp Maintenance & Contractor, Inc. for a period of one year, beginning March 1, 2009 and ending February 28, 2010, for the bid price amount of \$73,982.37; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds shall be made available for the Contract for Janitorial Services in the applicable budget year; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for Janitorial Services for the Township of Marlboro's Department of Public works (DPW) be and is hereby awarded to Urucorp Maintenance & Contractor, Inc. for a one year term beginning March 1, 2009 and ending February 28, 2010 for the bid price amount of \$73,982.37; and

BE IT FURTHER RESOLVED, that the bid of Good Morning Care, Inc. is hereby rejected as non-responsive because said bidder failed to meet the background check submission requirements which were a mandatory requirement of the bid documents; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$24,660.80 will be made available for aforesaid Contract for the period from March 1, 2009 through June 30, 2009, from the following Accounts: T-23-56-850-857 for the amount of \$2,028.32 and 9-01-122-276 for the amount of \$22,632.48; and

BE IT FURTHER RESOLVED, that sufficient funds for the remainder of the Contract shall be made available to the Department of Public Works' budgetary account after July 1, 2009; and

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

- a. Urucorp Maintenance & Contractor, Inc
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Director, Dept. of Public Works
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolution was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca): Res. #2009-125 - Raffle License St. Gabriel's Church Casino Night and Res. #2009-126 (Raffle License St. Gabriel's Church On Premise 50/50).

RESOLUTION # 2009-125

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RL: 06-09 be and it is hereby

granted to St. Gabriel's Rosary Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle (Non-draw - Casino Night) will be held on March 21, 2009 from 7 to 11PM at St. Gabriel's Church, 100 North Main Street, Marlboro, New Jersey 07746.

RESOLUTION # 2009-126

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RL: 07-09 be and it is hereby granted to St. Gabriel's Rosary Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle (On Premise 50/50) will be held on March 21, 2009 from 7 to 11PM at St. Gabriel's Church, 100 North Main Street, Marlboro, New Jersey 07746.

The following item was carried to the March 19<sup>th</sup> agenda: Item #27 (Tax Collector Resolutions).

At 10:40PM, Councilman Cantor moved that the meeting go into executive session for reason of discussing redevelopment and litigation. This was seconded by Council Vice President LaRocca, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session reconvened at 11:05PM.

RESOLUTION # 2009-127

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 5th day of March, 2009 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, redevelopment designation and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 30 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 11:30PM, Council President Rosenthal moved that the meeting be opened. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

The following Res. #2009-128 (Authorizing Designation of Successful Proposer Pertaining to Request for Qualifications and Proposals for the development of B. 180, L. 14 Redevelopment Area) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-128

A RESOLUTION AUTHORIZING THE DESIGNATION OF A  
"SUCCESSFUL PROPOSER" PURSUANT TO THE REQUEST FOR QUALIFICATIONS  
AND PROPOSALS FOR THE DEVELOPMENT OF CERTAIN REAL PROPERTY  
LOCATED IN THE BLOCK 180, LOT 14 REDEVELOPMENT AREA

WHEREAS, the Township Council of the Township of Marlboro, on November 13, 2008 designated Block 180, Lot 14 as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, Legal Notice was given on January 5, 2009 that the Township of Marlboro was seeking qualifications and proposals from qualified redevelopers to lease and redevelop a portion of the Block 180, Lot 14 property, currently owned by the Township, for the purpose of utilizing said property for additional recreational opportunities, including the construction and operation of a multi-use indoor recreational facility; and

WHEREAS, the Township of Marlboro issued a "Request for Qualifications and Proposals for the Redevelopment of Certain Real Property Located in the Block 180, Lot 14 Redevelopment Area in the Township of Marlboro in Monmouth County" on January 9, 2009 pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and

WHEREAS, the Township received one proposal, from Eclipse Indoor Sports LLC., in compliance with the requirements of the Request for Qualifications and Proposals, which was submitted prior to the February 24, 2009 deadline for submissions; and



