

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MARCH 16, 2006

The Marlboro Township Council held its regularly scheduled meeting on March 16, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli.

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

Councilman Pernice moved that the minutes of February 2, 2006 be approved. This motion was seconded by Councilman Rosenthal and the minutes were passed on a roll call vote of 5 - 0.

Councilman Pernice moved that the minutes of February 16, 2006 be approved. This motion was seconded by Councilman Rosenthal and the minutes were passed on a roll call vote of 4 - 0, with Council President Morelli abstaining.

Council President Morelli opened the Public Hearing on Ordinance # 2006-9 (Establishing Rules and Regs - Marlboro Aquatic Center). As

there was no one else who wished to speak, the Public Hearing was closed. The following Resolution # 2006-121/Ord. # 2006-9 (Establishing Rules and Regs - Marlboro Aquatic Center) was introduced by reference, offered by Council Vice President Cantor, and seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-121

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

ORDINANCE # 2006-9

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

which was introduced on March 2, 2006, public hearing held March 16, 2006, be adopted on second and final reading this 16th day of March, 2006.

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

Council President Morelli opened the Public Hearing on Ordinance # 2006-11 (Amend Chapter 84 - Stormwater Management). After the Public Hearing was held and closed, the following Resolution # 2006-122/Ord. # 2006-11 (Amend Chapter 84 - Stormwater Management) was introduced by reference, offered by Council President Morelli, and seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-122

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

ORDINANCE # 2006-11

AN ORDINANCE DELETING SECTION 84-104 "STORMWATER MANAGEMENT", ARTICLE VIII "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND ADOPTING A NEW ARTICLE ENTITLED ARTICLE IX "STORMWATER MANAGEMENT" OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS"

which was introduced on March 2, 2006, public hearing held March 16, 2006, be adopted on second and final reading this 16th day of March, 2006.

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

The following Res./Ord. # 2006-123/Ord. # 2006-12 (Speed Limit Topanemus Road) was introduced by reference, offered by Council Vice President Cantor and seconded by Councilwoman Tragni. Discussion followed, after which the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-123

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

ORDINANCE # 2006-12

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR TOPANEMUS ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

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 April 6, 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 # 2006-12

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR TOPANEMUS ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

WHEREAS, the New Jersey Department of Transportation conducted an engineering and traffic investigation to establish a Speed Limit along Topanemus Road in the Township of Marlboro, New Jersey; and

WHEREAS, in accordance with N.J.S.A. 39:4-98, the New Jersey Department of Transportation recommends that a Speed

Limit of 40 M.P.H. be established for certain portions of Topanemus Road subject to certain exceptions.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 138 "Vehicles and Traffic", Article XIV "Schedules", Section 138-55 "Schedule XVIII: Speed Limits" of the Code of the Township of Marlboro is hereby amended and supplemented to include the following Speed Limit for Topanemus Road:

<u>Name of Street</u>	<u>Speed Limit (M.P.H.)</u>	<u>Location</u>
Topanemus Road	40 M.P.H., except for 25 M.P.H. when passing through the Jewish Center and the Frank Dugan School zone during recess when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening or closing hours	Between Robertsville Road and Wyncrest Road

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials shall be installed in conformance with the current Manual on Uniform Traffic Control Devices pursuant to N.J.S.A. 39:4-198.

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

The following Resolution # 2006-124 (Bond Reduction Maplewoods Estates) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-124

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND FOR THE MAPLEWOODS ESTATES PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Scott and Charlie Carbone for the reduction of the Performance Bond being held by the Township for the Maplewoods Estates Project; 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, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond being held by the Township, subject to the receipt of an as-built drawing reflecting all improvements installed to date and the payment of all fees as required by the Developer's Agreement; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for the Maplewoods Estates site shall be reduced as follows:

The Performance Bond, in the original and present amount of \$48,050.50, shall be reduced by \$33,635.00 (70%), so that the amount to remain shall be \$14,415.00 (30%); and

BE IT FURTHER RESOLVED, that the above reduction shall be subject to the payment of all fees required by the Developer's Agreement and the receipt of an as-built drawing reflecting all improvements installed to date; and

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

- a. Scott and Charlie Carbone
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck Walrath LLP

Councilman Rosenthal recused himself on this matter. The following Resolution # 2006-125 (Bond Reduction Buckley Estates) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 3 - 1, in favor with Council Vice President Cantor voting no (Absent: Rosenthal).

RESOLUTION # 2006-125

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE BUCKLEY ESTATES PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Kara at Buckley, LLC for the reduction of the Performance Bond and Cash Bond being held by the Township for the Buckley Estates Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 24, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond and Cash Bond amounts being held by the Township, subject to the receipt of an as-built drawing reflecting all improvements installed to date and the payment of all fees as required by the Developer's Agreement; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for the Buckley Estates site shall be reduced as follows:

The Performance Bond, in the original and present amount of \$1,628,594.80, shall be reduced by \$781,078.41 (48%), so that the amount to remain shall be \$847,516.66 (52%); and

The Cash Bond, in the original and present amount of \$180,954.98, shall be reduced by \$86,786.46 (48%), so that the amount to remain shall be \$94,168.52 (52%); and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Developer's Agreement and the receipt of an as-built drawing reflecting all improvements installed to date; and

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

- a. Kara at Buckley, LLC
- b. Lexon Insurance
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-126 (Bond Reduction Hidden Estates) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-126

A RESOLUTION AUTHORIZING THE REDUCTION OF THE LETTER OF CREDIT AND CASH BOND FOR THE HIDDEN ESTATES PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by MRD Fourth Holding Company for the reduction of the Letter of Credit and Cash Bond being held by the Township for the Hidden Estates Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 14, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Letter of Credit and Cash Bond being held by the Township, subject to the receipt of an as-built drawing reflecting all improvements installed to date and the payment of all fees as required by the Developer's Agreement; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Letter of Credit and Cash Bond for the Hidden Estates project shall be reduced as follows:

The Letter of Credit, in the original and present amount of \$213,000.00, shall be reduced by \$97,050.00 (46%), so that the amount to remain shall be \$115,950.00 (54%); and

The Cash Bond, in the original and present amount of \$22,000.00, shall be reduced by \$10,024.00 (46%), so that the amount to remain shall be \$11,976.00 (54%); and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Developer's Agreement and the receipt of an as-built drawing reflecting all improvements installed to date; and

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

- a. MRD Fourth Holding Co.
- b. Monmouth Community Bank
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

Councilwoman Tragni recused herself on this matter. The following Resolution # 2006-127 (Bond Reduction Cannon Hill Estates) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2006-127

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE CANNON HILL ESTATES PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Enclave at Cannon Hill, LLC for the reduction of the Performance Bond and Cash Bond being held by the Township for the Cannon Hill Estates Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 28, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond and Cash Bond being held by the Township, subject to the receipt of an as-built drawing reflecting all improvements installed to date and the payment of all fees as required by the Developer's Agreement; and

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

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

New Jersey, that the Performance Bond and Cash Bond for the Cannon Hill Estates project shall be reduced as follows:

The Performance Bond, in the original and present amount of \$2,075,110.01, shall be reduced by \$1,304,171.36 (63%), so that the amount to remain shall be \$770,938.65 (37%); and

The Cash Bond, in the original and present amount of \$230,567.78, shall be reduced by \$144,907.93 (63%), so that the amount to remain shall be \$85,659.85 (37%); and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Developer's Agreement and the receipt of an as-built drawing reflecting all improvements installed to date; and

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

- a. Enclave at Cannon Hill, LLC
- b. International Fidelity Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-128 (Bond Reduction Triangle Ridge Section 3) was tabled to a future agenda.

The following Resolution # 2006-129 (Bond Release Netter Woods) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-129

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE NETTER WOODS SUBDIVISION

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Richard and Lynn Domalewski for the release of the Performance Bond held by the Township for the project known as the Netter Woods Subdivision; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township

Engineer dated February 28, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond being held by the Township conditioned upon the posting of a Maintenance Bond in the amount of \$31,604.00; and

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

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

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond shall be conditioned upon the posting of a Maintenance Bond in the amount of \$31,604.00; and

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

- a. Richard and Lynn Domalewski
- b. Universal Bonding Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

Councilman Pernice and Councilman Rosenthal recused themselves on this matter. The following Resolution # 2006-130 (Bond Release Marlboro Historical Redevelopment Site Plan) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 3 - 0 in favor (Absent: Pernice and Rosenthal)

RESOLUTION # 2006-130

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE MARLBORO HISTORICAL REDEVELOPMENT SITE PLAN

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

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 28, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the posting of a Maintenance Bond in the amount of \$20,000.00 and the payment of all fees as required by the Developer's Agreement; and

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

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

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the posting of a Maintenance Bond in the amount of \$20,000.00 and the payment of all fees as required by the Developer's Agreement; and

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

- a. Marlboro Historical Redevelopment, LLC
- b. First Indemnity of America Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-131 (Transfers) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of
5 - 0.

RESOLUTION # 2006-131

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:

Finance OE	\$2,000.00
Recreation OE	1,000.00
Total	\$3,000.00

To:

Finance S&W	\$2,000.00
Environmental Commission OE	1,000.00
Total	\$3,000.00

The following Resolution # 2006-132 (Appointing COAH Negotiating Committee) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-132

RESOLUTION DESIGNATING REPRESENTATIVES OF THE TOWNSHIP OF MARLBORO
TO PARTICIPATE IN THE COUNCIL ON AFFORDABLE HOUSING MEDIATION
PROCESS

WHEREAS, pursuant to Resolution #2005-481, the Township Council of the Township of Marlboro endorsed the Housing Plan Element and Fair Share Plan for the third round for the Township of Marlboro (collectively referred to as the "Affordable Housing Plan") and authorized the submission of a petition for substantive certification to the Council on Affordable Housing ("COAH"); and

WHEREAS, on December 20, 2005, the Township of Marlboro submitted its petition for substantive certification to COAH; and

WHEREAS, in accordance with N.J.A.C. 5:95-4.1, certain persons have filed objections with COAH to the Affordable Housing Plan; and

WHEREAS, as a result of these objections, COAH, the Township of Marlboro and the objectors are required by N.J.A.C. 5:95-7.1, *et seq.* to engage in mediation; and

WHEREAS, prior to the start of the mediation, the Township of Marlboro must provide COAH, pursuant to N.J.A.C. 5:95-7.2(g), with an adopted resolution designating its representatives for the mediation and authorizing one or more of those representatives to execute any written agreement reached as a result of the mediation; and

WHEREAS, the Mayor and the Township Council of the Township of Marlboro now desire to designate representatives of the Township of Marlboro to participate in the COAH mediation process.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that Judith Tiernan, Business Administrator of the Township of Marlboro; Andrew Bayer, Esq. of Gluck Walrath LLP; Jennifer Beahm of LGA Engineering, Inc. and Gerald Bergh, Township of Marlboro Planning Board member are hereby appointed as the representatives of the Township of Marlboro for purposes of the COAH medication process; and

BE IT FURTHER RESOLVED that Andrew Bayer, Esq. of Gluck Walrath LLP is hereby authorized, upon obtaining the appropriate approval from the Township Council of the Township of Marlboro, to execute any written agreements reached as a result of the mediation process.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

- a. Jennifer Beahm, LGA Engineering, Inc.
- b. Gluck, Walrath LLP

c. Township Business Administrator.

The following Resolution # 2006-133 (Urging Legislators to Pass Legislation Allowing for Competition for Cable) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-133

WHEREAS, cable television companies enjoyed a monopoly on providing cable television service for more than 30 years while working to deny customers the ability to choose new services and decide who they want to get their cable services from; and

WHEREAS, cable prices have increased 38% in the last five years; and

WHEREAS, consumers win with lower prices, better services and newer technologies when companies compete; and

WHEREAS, we should make it easier for companies to compete for our cable TV business;

NOW. THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Marlboro support competition in providing cable service to all residents of New Jersey and urges the New Jersey State Legislature to pass legislation to make it easier for companies to compete for our business.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the State legislative delegation and the Governor of the State of New Jersey.

The following Resolution # 2006-115 (Tabled 3/2) Award of Bid - Bus Transportation - Recreation) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-115

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GREENWOOD BUS SERVICE, INC. FOR THE PROVISION OF BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide bus transportation services for the Township of Marlboro Department of Recreation; and

WHEREAS, the Township received one bid which was submitted by Greenwood Bus Service, Inc. having its principal office at 327 Greenwood Road, Matawan, New Jersey for the following amounts related to the provision of daily shuttle service to swimming pools, summer camp transportation and in-state bus trips:

Daily Shuttle Service to Swimming Pools:

3.5 Mile- Dugan School/Swim Facility Round Trip, \$45
2.7 Mile- Marlboro Elementary/Swim Facility Round Trip, \$45
3.6 Mile- Recreation Center/Swim Facility Round Trip, \$48
3.6 Mile- Municipal Complex Park Round Trip, \$48
6.1 Mile- Robertsville/Swim Facility Round Trip, \$52
3.4 Mile- Defino Central/ Swim Facility Round Trip, \$50
6.1 Mile- Asher Holmes/ Swim Facility Round Trip, \$52
3.9 Mile - Middle School/ Swim, \$50
7.7 Mile - Memorial Middle/ Swim, \$52

Summer Camp Transportation:

Transportation cost per camper for three weeks, \$110
Transportation cost per camper for six weeks, \$180
Transportation cost per camper for five weeks, \$150
Transportation cost per camper for seventh week only, \$30

In State Bus Trips:

10 Mile Round Trip, \$100 per bus
20 Mile Round Trip, \$110 per bus
30 Mile Round Trip, \$115 per bus
40 Mile Round Trip, \$150 per bus
50 Mile Round Trip, \$160 per bus
60 Mile Round Trip, \$180 per bus
70 Mile Round Trip, \$200 per bus
80 Mile Round Trip, \$220 per bus
90 Mile Round Trip, \$265 per bus
100 Mile Round Trip, \$285 per bus; and

WHEREAS, the Administration and the Township Attorney have reviewed said bid and recommend that the contract be awarded to Greenwood Bus Service, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to

the lowest qualified bidder, Greenwood Bus Service, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide bus transportation services for the Township of Marlboro Department of Recreation should be awarded to Greenwood Bus Service, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Greenwood Bus Service, Inc. for the provision of bus transportation services for the Township of Marlboro Department of Recreation subject to the rates set forth above and in accordance with the bid proposal submitted by Greenwood Bus Service, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-17-56-867-817; and

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

- a. Greenwood Bus Service, Inc.
- b. Department of Recreation
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Resolution # 2006-134 (Authorizing Signatories on Court Accounts) was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Morelli and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-134

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 Presiding Municipal Judge Allen S. Kaplan, 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 Resolution # 2006-135 (Chapter 48 - Health Benefits) was carried to April 6th agenda.

The following Resolution # 2006-136 (Award of Contract - City Connections - Website) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-136

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
BETWEEN THE TOWNSHIP OF MARLBORO AND CITY CONNECTIONS FOR
WEBSITE AND E-MAIL HOSTING SERVICES AND OTHER RELATED
TECHNICAL SERVICES FOR THE TOWNSHIP OF MARLBORO WEBSITES

WHEREAS, the Township of Marlboro Administration Department has informed the Township Council that a need exists for the Township of Marlboro to enter into a contract for the provision website and e-mail hosting services and other related technical services, including development and maintenance, for the Township of Marlboro websites (collectively, the "Website Maintenance Services"); and

WHEREAS, the Administration Department sought proposals to provide the Website Maintenance Services from three qualified companies; and

WHEREAS, City Connections submitted a proposal dated November 23, 2004 to provide the Website Maintenance Services for an amount not to exceed \$6,154.00; and

WHEREAS, said proposal included a detailed listing of the services that would be provided and included an extensive list of municipal references, including the New Jersey State League of Municipalities; and

WHEREAS, the Administration Department has recommended that the Township Council authorize the execution of a contract between the Township of Marlboro and City Connections for the provision of the Website Maintenance Services; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to enter into a contract with City Connections; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, authorizes the awarding of a contract for the provision of extraordinary and unspecified services without public advertising for bids and bidding therefore.

NOW, THERE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and City Connections for the provision of the Website Maintenance Services for an amount not to exceed \$6,154.00.

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.

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

- a. City Connections
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2006-137 (Extension of Contract - Detention Basin Maintenance - Shamrock Lawn and Landscape) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-137

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT
BETWEEN THE TOWNSHIP OF MARLBORO AND SHAMROCK LAWN &
LANDSCAPE, INC. FOR THE PROVISION OF DETENTION/RETENTION
BASIN MAINTENANCE SERVICES FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2005-195, dated May 5, 2005, the Township of Marlboro awarded a one-year contract to Shamrock Lawn & Landscape, Inc. to provide detention/retention basin maintenance for the Marlboro Department of Public Works, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2005-195, the parties entered into a contract for the provision of detention/retention basin maintenance services dated May 9, 2005 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and 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 bid proposal submitted by Shamrock Lawn & Landscape, Inc.; and

WHEREAS, Administration and the Township of Marlboro Department of Public Works have 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 bid proposal submitted by Shamrock Lawn & Landscape, Inc.; and

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 Shamrock Lawn & Landscape, Inc. for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Shamrock Lawn & Landscape, Inc. and authorized by Resolution #2005-195; 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. Township Administrator
- c. Department of Public Works
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor: Res. # 2006-138 (Authorization to Bid - Food Concession Swim Club), Res. # 2006-139 (Reject and Rebid - Masonry Services), Res. # 2006-140 (Redemption Tax Sale Certs. - Various), Res. # 2006-141 (Refunds for Overpayments - Various), Res. # 2006-142 (Refunds to WMUA - Various), Res. # 2006-143 (Fee for Tax Sale) and Res. # 2006-145 (Raffle License Solomon Schechter).

RESOLUTION # 2006-138

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

Food Concession Operation Service for the Swim Club

RESOLUTION # 2006-139

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

Masonry Service

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

Masonry Service

as required by law.

RESOLUTION # 2006-140

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$16,285.78 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$16,285.78 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
05-4 184 Texas Road	108/3	Wachovia Bank, N.A. Cust./ Phoenix Funding, PA 1328P 123 South Broad Street Philadelphia, PA 19109	\$14,978.56
05-5 Texas Road	108/7	Fernwood Funding 92 Main Street Wallington, NJ 07057	1,307.22
TOTAL:			<u>\$16,285.78</u>

RESOLUTION # 2006-141

WHEREAS, the attached list in the amount of \$5,458.26 known as Schedule "A", is comprised of amounts representing overpayments for 2006 taxes,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
119.02 20 Petra Drive	60	Ning-Chung Wang 20 Petra Drive Morganville, NJ 07751	\$2,147.96
288 236 Ravenswood Road	29 C0236	Countrywide Tax Service Attn: Tax Dept. P.O. Box 10211, Tax Dept. Mail Stop SV-24 Van Nuys, CA 91410-0211 Re: Unai Burhan	106.36

360	25.24	First American Tax Service	2,931.43
41 Rutledge Road		Renaissance Tower, 3 rd Floor	
		1201 Elm Street, Suite 400	
		Dallas, TX 75270	
		Re: Eric & Jordan Bohm	

414	14.02	Triple C Nurseries	272.51
Old Mill Road		489 County Road, Route 520	
		Marlboro, NJ 07746	
		Re: Carmine Jr. & Danielle	
		Casola	

TOTAL:	\$ 5,458.26
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RESOLUTION # 2006-142

WHEREAS, current sewer charges totaling \$821.03 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$821.03 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#05-16	173/7 C0386	Fidelity Tax, LLC	\$108.26
386 Hampton Place			
TSC#98-2	105/3	Ronko Developers, Inc.	225.67
14 Thomas Lane			
TSC#97-2	107/7	Ronko Developers, Inc.	487.10
Wicker Place			
TOTAL:			\$821.03

RESOLUTION # 2006-143

WHEREAS, the Township of Marlboro will hold a Tax Sale on April 6th, 2006; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of Marlboro is entitled to recover costs in

connection with the tax sale including, but not limited to, advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Shirley Giaquinto, Tax Collector, be and hereby is authorized and directed to charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, minimum \$15.00, maximum \$100.00.

RESOLUTION # 2006-145

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 07-06 (Off Premise Merchandise) be and it is hereby granted to Solomon Schechter Day School, 22 School Road East, Marlboro, N. J. 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on June 8, 2006 at 2:00 PM at Solomon Schechter Day School, 22 School Road East, Marlboro, N. J. 07746.

The following Resolution # 2006-146 (Award of Bid - Swim Pool Maintenance) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0.

RESOLUTION # 2006-146

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
AQUATIC SERVICE, INC. FOR THE PROVISION OF POOL
MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP SWIM CLUB
AND THE MARLBORO TOWNSHIP RECREATION AQUATIC CENTER

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide pool maintenance services for the Marlboro Township Swim Club and the Marlboro Township Recreation Aquatic Center for the years 2006 through 2008 with the option to renew for the year 2009; and

WHEREAS, one (1) bid was received from Aquatic Service, Inc. for those amounts set forth on the Bid Proposal sheet which is attached hereto and incorporated herein; and

WHEREAS, the Administration and the Township Attorney have reviewed said bid and recommend that the contract be awarded to Aquatic Service, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Aquatic Service, Inc., for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide pool maintenance services for the Marlboro Township Swim Club and the Marlboro Township Recreation Aquatic Center for the years 2006 through 2008 with the option to renew for the year 2009 be awarded to Aquatic Service, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Aquatic Service, Inc. in accordance with the bid proposal submitted by Aquatic Service, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-07-700-736 and T-17-56-867-817.

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

- a. Aquatic Service, Inc.
- b. Swim Club Executive Director
- c. Recreation Commission
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath LLP.

At 9:25PM, Council President Morelli moved that the meeting go into executive session for reason of discussing litigation, property acquisition, contract negotiations and personnel. This was seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session reconvened at 9:40PM.

