

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

APRIL 29, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on April 29, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; 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.

PRESENT: Councilman Burrows, Councilwoman Morelli, Councilman Pernice and Council President Mione.  
(Absent: Council Vice President Denkensohn)

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

The Clerk called the Roll.

Public Information Report - Public Information Director Susan Levine announced the following: Mayor Kleinberg is seeking Marlboro residents with professional marketing experience to assist the Director of Economic development; the anticipated four-week closure of Tennent Road between Spring Valley and Amboy Road; a \$4,590 federal grant that made it possible for the Marlboro Township Police Department to increase their patrols along the Route 9 corridor; the rabies clinic sponsored by Marlboro Township to be held on Sat., May 1<sup>st</sup> 10 am-12 noon at Marlboro Municipal Complex storage barn; the annual bulk pick-up

dates; and the 5<sup>th</sup> Annual Community Pride and Beautification Day scheduled for Sat., May 1<sup>st</sup> from 9:00am-1:pm.

Councilman Pernice moved that the minutes of March 10<sup>th</sup>, 11<sup>th</sup>, 16<sup>th</sup>, 25<sup>th</sup>, 2004 be approved. This motion was seconded by Councilwoman Morelli and the minutes were passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

Councilman Pernice moved that the minutes of March 24, 2004 be approved. This motion was seconded by Councilwoman Morelli and the minutes were passed on a roll call vote of 3 - 0 with Council President Mione abstaining (Absent: Denkensohn).

Council President Mione opened the Public Hearing on Ordinance #2004-2 (Amending Chapter 5 - Affordable Housing Remedies for Violations). After the Public Hearing was held, the following Resolution #2004-124/Ord. #2004-2 (Amending Chapter 5 - Affordable Housing Remedies for Violations) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 (Absent: Council Vice President Denkensohn).

RESOLUTION # 2004-124

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

ORDINANCE # 2004-2

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5 "AFFORDABLE HOUSING," ARTICLE I "GENERAL PROVISIONS," SECTION 5-4 "AFFORDABLE HOUSING AGENCY ESTABLISHED" AND SECTION 5-11 "RESPONSIBILITIES OF DEVELOPERS AND OWNERS; REMEDIES FOR VIOLATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on March 25, 2004, public hearing held April 29, 2004, be adopted on second and final reading this 29<sup>th</sup> day of April, 2004.

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

Council President Mione opened the Public Hearing on Ordinance #2004-4 (Requiring Builders to Post Signs on Properties to be developed when submitting applications to Planning or Zoning Board). After the Public Hearing was held, Councilwoman Morelli suggested that this ordinance be carried to the next meeting to allow the legal department to address concerns voiced by the residents. Motion to carry Resolution #2004-125/ Ord. #2004-4 (Requiring Builders to Post Signs on Properties to be developed when submitting applications to Planning or Zoning Board) to the May 13<sup>th</sup> meeting was made by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

Council President Mione opened the Public Hearing on Ordinance #2004-5 (Amending Ord. # 2003-22 - Public Contracting Reform). After the Public Hearing was held, discussion followed, and the following Resolution #2004-126/Ord. #2004-5 (Amending Ord. # 2003-22 - Public Contracting Reform) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-126

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

ORDINANCE # 2004-5

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO PROVIDING FOR PUBLIC CONTRACTING REFORM

which was introduced on March 25, 2004, public hearing held April 29, 2004, be adopted on second and final reading this 29<sup>th</sup> day of April, 2004.

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

Council President Mione opened the Public Hearing on Ordinance # 2004-6 (Bond Ordinance Providing Supplemental Appropriation of \$100,000 for Expenses Relating to Possible

Acquisition of Marlboro State Hospital). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-127/Ord. # 2004-6 (Bond Ordinance Providing Supplemental Appropriation of \$100,000 for Expenses Relating to the Possible Acquisition of Marlboro State Hospital) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-127

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

ORDINANCE # 2004-6

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR EXPENSES RELATING TO THE POSSIBLE ACQUISITION OF MARLBORO STATE HOSPITAL AND PROVIDING FOR THE ISSUANCE OF \$95,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on April 16, 2004, public hearing held April 29, 2004, be adopted on second and final reading this 29<sup>th</sup> day of April, 2004.

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

ORDINANCE # 2004-6

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR EXPENSES RELATING TO THE POSSIBLE ACQUISITION OF MARLBORO STATE HOSPITAL AND PROVIDING FOR THE ISSUANCE OF \$95,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the supplemental amount of \$100,000, such sum being in addition to the \$425,000 appropriated therefor by bond ordinance no. 2000-28 of the Township, bond ordinance no. 2002-17 of the Township (as amended by bond ordinance no. 2003-4 of the Township) and bond ordinance 2003-11 of the Township (collectively, the "Prior Ordinances"), and including the sum of \$5,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the payment of additional professional, legal, financial, advisory and planning expenses relating to the possible acquisition of the Marlboro State Hospital and associated properties, and including all rights or interests therein and all work and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$95,000 (in addition to the \$403,850 of bonds or notes authorized by the Prior Ordinances).

(c) The estimated cost of the improvement or purpose is \$100,000 (in addition to the \$425,000 appropriated by the Prior Ordinances).

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$95,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Township reasonably expects to commence the purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable

real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution #2004-128/Ord. #2004-7 (Amendment to Animal Control Ordinance) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-128

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

ORDINANCE # 2004-7

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 "DOGS AND OTHER ANIMALS," ARTICLE I "CONTROL OF DOGS AND CATS," SECTION 59-6 "IMPOUNDING OF DOGS AND ANIMALS"

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 May 27, 2004 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 # 2004-7

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 "DOGS AND OTHER ANIMALS," ARTICLE I "CONTROL OF DOGS AND CATS," SECTION 59-6 "IMPOUNDING OF DOGS AND ANIMALS"

WHEREAS, Section 56-9 "Impounding of Dogs and Animals" of the Code of the Township of Marlboro currently requires that an owner taking custody of his or her impounded dog or other animal pay a fee of \$5.00 for the first offense, \$10.00 for the second offense, \$15.00 for the third offense and \$20.00 for the fourth offense, plus a fee of \$1.00 per day for the care and feeding of the dog or other animal; and

WHEREAS, Section 56-9 "Impounding of Dogs and Animals" of the Code of the Township of Marlboro also prohibits the release of an impounded, unlicensed dog or other animal; and

WHEREAS, the Marlboro Township Police Department has recommended that, in order to offset the fees that must be paid to the kennel housing the impounded dog or other animal, the fee charged to an owner taking custody of his or her impounded dog or other animal should be increased to \$25.00, regardless of the number of offenses, plus a fee of \$10.00 per day after the second day of impoundment; and

WHEREAS, the Marlboro Police Department has also recommended that Section 59-6 be amended to allow, at the discretion of the Animal Control Officer, an unlicensed impounded dog or other animal to be released to an owner on the condition that a license is obtained for the dog or other animal within ten (10) days of the release; and

WHEREAS, the Mayor and the Township Council believe it is in the best interest of the residents of the Township of Marlboro to amend Section 59-6 of the Code of the Township of Marlboro to increase the fee charged to owners of impounded dogs or other animals and to allow unlicensed,

impounded dogs or other animals to be released upon the condition that a license is obtained within ten (10) days of the release.

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 59 "Dogs and Other Animals," Article I "Control of Dogs and Cats," Section 59-6 "Impounding of Dogs and Animals" of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 59-6      Impounding of Dogs and Other Animals.

Subsection C(1) of Section 59-6 is amended to read as follows:

"A fee of \$25.00 shall be paid to redeem the dog or other animal so impounded, plus a fee of \$10.00 per day after the second day of impoundment."

Subsection C(2) of Section 59-6 is hereby deleted in its entirety; and

Subsection C(3) of Section 59-6 is hereby recodified as C(2) and the following is added as the last sentence thereof:

"Notwithstanding the foregoing, at the discretion of the Animal Control Officer, an unlicensed dog or other animal may be released to the owner or custodian upon the condition that a license is obtained for the dog or other animal within ten (10) calendar days of the release"; and

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

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

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

The following Resolution #2004-129/Ord. #2004-8 (Traffic Regulations - Commercial Court) was introduced by reference, offered by Councilman Burrows, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denksenohn).

RESOLUTION # 2004-129

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

ORDINANCE # 2004-8

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO COMMERCIAL COURT WITHIN THE TOWNSHIP OF MARLBORO AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

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 May 27, 2004 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 # 2004-8

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO COMMERCIAL COURT WITHIN THE TOWNSHIP OF MARLBORO AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

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 Lionel Lucas, General Manager, Lucas Brothers Inc., has filed a written consent with the Township of Marlboro that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at Commercial Court located in the Township of Marlboro, County of Monmouth and that the following regulations shall be enforceable to said roads, streets, driveways and parking lots, thereby amending and supplementing Chapter 138 "Vehicles and Traffic" of the Code of the Township of Marlboro:

REGULATION(S):

1. General Parking

- A. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Commercial Court	North	All	As indicated on Site plan

2. Speed Limits:

- A. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>MPH</u>	<u>Lin</u>
Commercial Court	15	Ent

- B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

3. Tow-Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or

traffic hazard may be removed by towing the vehicle at the owners or operators expense.

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials shall be installed and paid for by the Township of Marlboro and that all signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

BE IT FURTHER ORDAINED, that unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

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

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

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

The following Resolution #2004-130/Ord. #2004-9 (Requiring Applicants for Membership in Volunteer Fire Companies to Disclose Background Information) was introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-130

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

ORDINANCE # 2004-9

AN ORDINANCE REQUIRING DISCLOSURE OF INFORMATION REGARDING  
APPLICANTS FOR MEMBERSHIP IN A VOLUNTEER FIRE COMPANY  
WITHIN THE TOWNSHIP OF MARLBORO  
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

be introduced and passed on first reading and that the same  
be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for  
final passage on May 27, 2004 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 # 2004-9

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER  
66 "FIRE PREVENTION," ARTICLE III "FIRE  
DEPARTMENT" TO REQUIRE THE DISCLOSURE OF  
INFORMATION REGARDING APPLICANTS FOR MEMBERSHIP  
IN A VOLUNTEER FIRE COMPANY WITHIN THE TOWNSHIP  
OF MARLBORO

WHEREAS, the Volunteer Fire Companies within the  
Township of Marlboro, Monmouth County, New Jersey accept  
for membership those persons meeting certain criteria; and

WHEREAS, pursuant to N.J.S.A. 15:8-1.1, persons  
convicted of certain crimes are not eligible for membership  
in a Volunteer Fire Company; and

WHEREAS, in the course of fire fighting duties,  
Volunteer Fire Fighters have access to homes and  
businesses; and

WHEREAS, the Volunteer Fire Companies need to have  
access to state criminal history records from the Division  
of State Police/State Bureau of Identification in order to  
properly evaluate applicants for membership.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the  
Township Council of the Township of Marlboro, in the County  
of Monmouth and State of New Jersey, that Chapter 66 "Fire  
Prevention," Article III "Fire Department" of the Code of

the Township of Marlboro be amended and supplemented to add the following section:

§ 66-47     Disclosure of Information by Applicant for  
Membership in Volunteer Fire Department

A.     This section is enacted pursuant to N.J.S.A. 40:42-1, et seq., which directs municipalities to act for the health, welfare and safety of its citizens and to implement N.J.S.A. 15:8-1.1.

B.     Membership in a Volunteer Fire Company means (1) membership in a Volunteer Fire Company organized pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes; (2) membership in a Volunteer Fire Company or similar organization constituted in a Fire District pursuant to N.J.S.A. 40A:14-70.1; (3) membership in a Junior Fire Fighter's Auxiliary established pursuant to N.J.S.A. 40A:14-95; or (4) non-paid membership in a part-time fire department or force established pursuant to Chapter 14 of Title 40A of the New Jersey Statutes.

C.     Any person desiring membership in a Volunteer Fire Company must complete in duplicate, filing the same with the Volunteer Fire Company, a form which may be prescribed by the Volunteer Fire Company, but which shall contain the following information about the applicant:

1.     Name;
2.     Home Address;
3.     Birth Date;
4.     Social Security Number;
5.     Driver's License Number;
6.     Any conviction of violation of N.J.S.A. 2C:17-1,
  - i.     Aggravated Arson, or
  - ii.    Arson, or
  - iii.   Failure to control or report a dangerous fire, or
  - iv.    Directly or indirectly paying or accepting any form of consideration for the purpose of starting a fire or explosion;
7.     Any conviction of violation of N.J.S.A. 2C:33-3, False Public Alarms;

8. Any conviction of a crime of disorderly persons; and
9. Such other information as the Volunteer Fire Company deems relevant to the application provided none of such information is prohibited by law.

D. Following the filing of such application, the Volunteer Fire Company shall transmit one of the applications to the Chief of Police of the Township of Marlboro who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If, as a result of such investigation, the applicant is found to have been convicted of violation of N.J.S.A. 2C:17-1 a, b, c, and/or d or N.J.S.A. 2C:33-3 or any other crime or disorderly persons violation or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police shall report such information and the particulars thereof to the Volunteer Fire Company.

E. In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit the applicant's fingerprint card and receive criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this Ordinance.

F. This Ordinance is intended to make the Volunteer Fire Company an Authorized Agency as defined by N.J.A.C. 13:59-1.1.

G. The above investigation by the Chief of Police shall be completed within 60 days of receipt of the application and the fingerprinting of applicant.

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

and the remainder of the Ordinance shall be deemed valid and effective; and

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

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

The following Resolution # 2004-11 (Appointing Council Liaisons (carried from 1/4/04)) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-11

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Liaisons, such terms to expire December 31, 2004:

Cable Television - Michael Liotta  
Environmental Commission - Raymond Lewis  
Historical Commission - Thomas Geran  
Marlboro Township Bd. of Ed. - Vita Rizzo  
Johana Committee - James Mione  
Swim - Kathleen Robinson

The following Resolution # 2004-131 (Appointing Class III Member Planning Board to fill unexpired term of Barry Denkensohn expiring 12/31/04) was carried to the May 13<sup>th</sup> agenda.

The following Resolution # 2004-132 (Authorizing Contract - Financial Advisor - Purchase of Marlboro Hospital Property) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-132

A RESOLUTION AUTHORIZING THE EXECUTION OF A  
CONTRACT FOR FINANCIAL ADVISORY SERVICES BETWEEN  
THE TOWNSHIP OF MARLBORO AND ALTMAN & CO.

WHEREAS, a need exists for the Township of Marlboro to employ a financial advisor to evaluate the financial impact of a potential acquisition of the Marlboro State Psychiatric Hospital Property in the overall context of the Township's financial position; and

WHEREAS, the Mayor has deemed it necessary and in the best interest of the municipality to hire Altman & Co. to provide said financial advisory services to the Township of Marlboro for a total amount not to exceed \$10,000.00; 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 entered into a contract, in a form legally acceptable to the Township Attorney, between Altman & Co. and the Township of Marlboro for the provision of financial advisory services to the Township of Marlboro for a total amount not to exceed \$10,000.00. Altman & Co. shall perform only those services authorized by the Mayor, Chief Financial Officer or Business Administrator; and

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

- a. Altman & Co.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-133 (Authorizing Contract - Housing Services) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-133

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND HOUSING SERVICES, INC., FOR THE TOWNSHIP REHABILITATION PROGRAM

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township; and

WHEREAS, the Mayor and Township Council wish to re-appoint Housing Services, Inc., to the position of Housing Rehabilitation Program Administrator to continue the operation of the Township's Housing Rehabilitation Program for a period not to exceed (24) months.

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

1. That the Mayor is authorized to execute and the Township Clerk to attest to an Agreement, in a form substantially similar to the Agreement attached hereto, between the Township of Marlboro and Housing Services, Inc., for the aforesaid housing services.

2. That the consideration for the aforesaid housing services shall be a per unit administrative fee of (20%) of the awarded bid price per project, but not less than \$2,000.00 per project, to be paid in accordance with Schedule B of the attached Agreement.

3. That the term of the Agreement shall be from the effective date of the Agreement for a period not to exceed (24) months.

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

- a. Housing Services, Inc.
- b. Planning Board Secretary
- c. Township Administrator
- d. Township Attorney

The following Resolution # 2004-134 (Authorizing Fixed Route Transportation Contract Monmouth County) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denksenohn).

RESOLUTION # 2004-134

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF MONMOUTH, PURSUANT TO N.J.S.A. 40: 8A-1 ET SEQ., THE INTERLOCAL SERVICES ACT, FOR FIXED ROUTE PUBLIC BUS TRANSPORTATION THROUGH JUNE 30, 2005

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established fixed route public bus transportation through June 30, 2005 within the Township of Marlboro; and

WHEREAS, the Township of Marlboro wishes to enter into an agreement with the County for the provision of said transportation services to residents of Marlboro Township;

WHEREAS, the Interlocal Services Act, N.J.S.A. 40: 8A-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services, including such services; and

WHEREAS, the proposed contract for the provision of said services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40: 8A-4;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed interlocal services agreement for the provision of the aforementioned services.

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to all respective parties.

The following Resolution # 2004-135 (Accepting Grant Statewide Livable Communities \$26,500 - ADA Compliant Restrooms/Ramp Annex Bldg.) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman

Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-135

WHEREAS, the Township Council of the Township of Marlboro received notice from the New Jersey Department of Community Affairs of its eligibility to receive a Statewide Livable Communities Grant for making municipally owned historic buildings ADA compliant in the amount of \$26,500; and

WHEREAS, the purpose of the grant is to provide funds for ADA compliant restrooms and a ramp in the Annex Building.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that they do hereby accept the grant of \$26, 500 for ADA compliant restrooms and a ramp in the Annex Building.

BE IT RESOLVED, that the Mayor of Marlboro Township be and hereby is authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of the Township of Marlboro, and upon execution of said Agreement, the Township of Marlboro does hereby accept the Terms and Conditions specified in the Agreement in connection with this grant.

The following Resolution # 2004-136 (Extension of Contract - Detention/Retention Basins) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-136

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE SHAMROCK LAWN & LANDSCAPE, INC. FOR THE PROVISION OF DETENTION/RETENTION BASIN MAINTENANCE SERVICES AND APROVING AN INCREASE IN THE CONTRACT BASE PRICE

WHEREAS, by Resolution #2003-236, dated August 14, 2003, the Township of Marlboro terminated the services of Greenleaf Landscape Systems & Services, Inc. for failure to adequately perform detention/retention basin maintenance

services pursuant to a contract authorized by Resolution #2003-99, dated April 10, 2003 (the "Original Contract"); and

WHEREAS, as a result of this termination, by Resolution #2003-236, the Township of Marlboro awarded a contract to Shamrock Lawn & Landscape, Inc. to provide detention/retention basin maintenance services for the remainder of the term of the Original Contract on a pro-rata basis and on the same terms and conditions as the Original Contract (the "Contract"); and

WHEREAS, pursuant to the Original Contract, the Township of Marlboro has the option to renew the Contract for an additional one year period; and

WHEREAS, the contract base price set forth in Shamrock Lawn & Landscape, Inc.'s bid proposal was \$103,820.00 (the "Base Price"); and

WHEREAS, Administration and the Township of Marlboro Public Works Division recommend that the Township Council approve a one-year renewal of the Contract and further recommend that, because additional basins have been added or will be added to the scope of work, the Base Price, upon renewal, be increased by \$24,587.00 to \$128,407.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to renew the Contract for an additional one year based upon the same terms and conditions set forth in the bid proposal submitted by Shamrock Lawn & Landscape, Inc., except that the Base Price shall be increased from \$103,820.00 to \$128,407.00, reflecting an increase of \$24,587.00; 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. Township Chief Financial Officer

- d. Superintendent of Public Works
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-137 (Extension of Contract - Recreation Bus Services) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-137

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND GREENWOOD BUS SERVICE, INC. TO PROVIDE BUS TRANSPORTATION SERVICES REQUIRED BY THE TOWNSHIP OF MARLBORO RECREATION AND PARKS COMMISSION

WHEREAS, by Resolution #2003-80, dated March 27, 2003, the Township of Marlboro awarded a one-year contract to Greenwood Bus Service, Inc. to provide bus transportation services to the Township of Marlboro Recreation and Parks Commission, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2003-80, the parties entered into a contract for the provision of bus transportation services dated March 31, 2003 (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 Greenwood Bus Service, Inc.; and

WHEREAS, Administration and the Township of Marlboro Recreation and Parks Commission 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 Greenwood Bus Service, 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 Greenwood Bus Service, Inc. for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Greenwood Bus Service, Inc. and authorized by Resolution #2003-80; 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. Township Administrator
- c. Superintendent of Recreation & Parks Commission
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-138 (Extension of Contract - Recreation T-Shirts) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION #2004-138

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND METUCHEN CENTER, INC., D/B/A TEAM SPORTS, FOR THE PROVISION OF T-SHIRTS FOR THE TOWNSHIP OF MARLBORO RECREATION AND PARKS COMMISSION

WHEREAS, by Resolution #2003-111, dated April 23, 2003, the Township of Marlboro awarded a one-year contract to Metuchen Center, Inc., d/b/a Team Sports ("Team Sports"), to provide t-shirts in various colors and sizes for the Township of Marlboro Recreation and Parks Commission, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2003-111, the parties entered into a contract for the provision of said t-shirts dated May 2, 2003 (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 option to renew the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Team Sports; and

WHEREAS, Administration and the Township of Marlboro Recreation and Parks Commission 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 Team Sports; 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 Team Sports for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Team Sports and authorized by Resolution #2003-111; and

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

- a. Metuchen Center, Inc. d/b/a Team Sports
- b. Township Administrator
- c. Superintendent of Recreation & Parks Commission
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-139 (Award of Bid - Two Dump Trucks and one Garbage Truck) was introduced by reference, offered by Councilman Burrows, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-139

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CAMBRIA AUTOMOTIVE COMPANIES, INC. TO PURCHASE TWO DUMP TRUCKS AND ONE GARBAGE TRUCK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to purchase two tandem dump trucks and one 25 cubic yard garbage truck for the Township of Marlboro Department of Public Works; and

WHEREAS, one (1) bid was received by Cambria Automotive Companies, Inc. of Edison, New Jersey, for the following: (a) two tandem, Volvo-chassis dump trucks with snowplows, salt spreaders and calcium chloride wetting systems for \$299,128; and (b) one 25-cubic yard, Volvo-chassis garbage truck with snowplow for \$157,769; for a total bid of \$456,897; and

WHEREAS, the Township Council of the Township of Marlboro approved \$470,000 in the 2003 capital program for the cost of the three previously-described trucks, and the sole bid from Cambria Automotive Company, Inc. is \$13,103 below the budgeted amount; and

WHEREAS, the Administration and Department of Public Works have reviewed the bid received and recommend that the contract be awarded to Cambria Automotive Companies, Inc. as the lowest qualified bidder; 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, Cambria Automotive Companies, Inc., for the provision of the aforesaid products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide two tandem, Volvo-chassis dump trucks with snowplows, salt spreaders and calcium wetting systems and one 25-cubic yard, Volvo-chassis garbage truck with snowplow be and hereby is awarded to Cambria Automotive Companies, 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 Cambria Automotive Companies, Inc. for the purchase of the 3 trucks as previously described for the Department of Public Works in an amount not to exceed \$456,897.00, and in accordance with the bid proposal submitted by Cambria Automotive Companies, Inc., which is on file with the Township; 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. Cambria Automotive Companies, Inc.
- b. Department of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-140 (Award of State Contract Utility Truck) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-140

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE NEW  
2004 FORD F250 UTILITY VEHICLE UNDER STATE  
CONTRACT #A53304

WHEREAS, the Marlboro Township Public Works Division has recommended that the Township purchase one (1) new 2004 Ford F250 Utility Vehicle from Motors Fleet of Red Bank, New Jersey under State Contract #A53304 for the amount of \$23,248.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide new equipment to the Township of Marlboro Public Works Division; and

WHEREAS, funds are available in Capital Account Number X-04-55-936-929 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said Utility Vehicle.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) new 2004 Ford F250 Utility Vehicle for the Township of Marlboro Public Works Division from Motors Fleet of Red Bank, New Jersey under State Contract #A53304 for the amount of \$23,248.00; and

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

- a. Motors Fleet of Red Bank, New Jersey
- b. Township Administrator
- c. Township Public Works Division
- d. Township Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. # 2004-141 (Authorizing Lawn Chemicals Contract - Swim Facility), Res. # 2004-142 (Authoring Lawn Cutting Contract, Res. # 2004-143 (Authorizing Grounds maintenance Contract - Swim Facility).

RESOLUTION # 2004-141

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO PIONEER LAWN & LANDSCAPING, INC. FOR THE PROVISION OF LAWN CHEMICALS AND SEEDING 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 chemicals and seeding; 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 chemicals and seeding services were received as follows:

1. Pioneer Lawn & Landscaping, Inc., Manalapan, New Jersey in the amount of \$6,600.00 for 2004 and \$7,000.00 for 2005, for a total of \$13,600.00; and
2. Shamrock Lawn & Landscape, Inc., Marlboro, New Jersey in the amount of \$7,000.00 for 2004 and \$7,000.00 for 2005, for a total of \$14,000.00; and
3. The Vaccarella Group, Aberdeen, New Jersey in the amount of \$12,570.00 for 2004 and \$12,570.00 for 2005, for a total of \$25,140.00; and

WHEREAS, the aggregate amount of the lowest estimate provided for lawn chemicals and seeding services does not exceed \$17,500.00 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 & Landscaping, Inc. for 2004 with an option to renew the contract in 2005 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 Pioneer Lawn & Landscaping, Inc. in 2004 as the lowest estimate provided for the provision of lawn chemicals and seeding services in 2004, with an option to renew the contract in 2005.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide lawn chemicals and seeding services be and hereby is awarded to Pioneer Lawn & 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 & Landscaping, Inc. for the provision of lawn chemicals and seeding services for the Swim Division in an amount not to exceed \$6,600.00 for 2004, with an option to renew the contract in 2005 based upon the estimate submitted by Pioneer 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. Pioneer Lawn & Landscaping, Inc.
- b. Swim Division
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck, Walrath and Lanciano, LLP

RESOLUTION # 2004-142

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
TO THE VACCARELLA GROUP 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 chemicals and seeding; 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 cutting services were received as follows:

1. Pioneer Lawn & Landscaping, Inc., Manalapan, New Jersey in the amount of \$12,000.00 for 2004 and \$12,000.00 for 2005;
2. Shamrock Lawn & Landscape, Inc., Marlboro, New Jersey in the amount of \$8,400.00 for 2004 and \$8,400.00 for 2005; and
3. The Vaccarella Group, Aberdeen, New Jersey in the amount of \$7,650.00 for 2004 and \$7,650.00 for 2005; and

WHEREAS, the aggregate amount of the lowest estimate provided for lawn cutting services does not exceed \$17,500.00 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 The Vaccarella Group for 2004 with an option to renew the contract in 2005 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 The Vaccarella Group in 2004 as the lowest estimate provided for the provision of lawn cutting services in 2004, with an option to renew the contract in 2005.

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 The Vaccarella Group 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 The Vaccarella Group for the provision of lawn cutting services for the Swim Division in an amount not to exceed \$7,650.00 for 2004, with an option to renew the contract in 2005 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. The Vaccarella Group
- b. Swim Division
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck, Walrath and Lanciano, LLP

RESOLUTION # 2004-143

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 chemicals and seeding; 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 \$155.00 per hour for labor and materials and \$30.00 per yard for mulch in 2004 and \$156.00 per hour for labor and materials and \$33.00 per yard for mulch in 2005; and
2. Shamrock Lawn & Landscape, Inc., Marlboro, New Jersey for \$79.00 per hour for labor and materials and \$20.00 per yard for mulch in 2004 and \$80.00 per hour for labor and materials and \$22.00 per yard for mulch in 2005; and
3. The Vaccarella Group, Aberdeen, New Jersey for \$195.00 per hour for labor and materials and \$40.00 per yard for mulch in 2004 and \$195.00 per hour for labor and materials and \$40.00 per yard for mulch in 2005; and

WHEREAS, the aggregate amount of the lowest estimate provided for lawn chemicals and seeding services does not exceed \$17,500.00 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 2004 in an amount not to exceed \$10,000.00 with an option to renew the contract in 2005 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

2004 for an amount not to exceed \$10,000.00 for the provision of ground maintenance services in 2004, with an option to renew the contract in 2005.

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 2004, with an option to renew the contract in 2005 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 Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-144 (Authorizing Interlocal Services Agreement Bd. of Ed. - Telephone Emergency Notification System) was introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-144

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE MARLBORO TOWNSHIP BOARD OF EDUCATION FOR THE PROVISION, IMPLEMENTATION AND ADMINISTRATION OF AN EMERGENCY NOTIFICATION SYSTEM FOR SCHOOL EMERGENCIES

WHEREAS, the Township of Marlboro desires to enter into a partnership with the Marlboro Township Board of Education ("MTBOE") to provide an Emergency Notification System (the "System") to all schools under the jurisdiction of the MTBOE; and

WHEREAS, it is intended that the System would provide automatic telephone notification to all parents and/or emergency contacts of children attending MTBOE schools in the event of an emergency; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to execute an Interlocal Services Agreement with the MTBOE for the provision, implementation and administration of the System.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor be and hereby is authorized to execute an Interlocal Services Agreement, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and the MTBOE for the provision, implementation and administration of the System; and

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

- a. Marlboro Township Board of Education
- b. Chief of Police
- c. Township Office of Public Information
- d. Township Administrator
- e. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-145 (Authorizing Subordination of Township-held Mortgage) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-145

A RESOLUTION AUTHORIZING THE SUBORDINATION  
OF A TOWNSHIP-HELD MORTGAGE RELATING TO THE  
PROPERTY LOCATED AT 27 SUDBURY ROAD,

MORGANVILLE (BLOCK 267, LOT 25 ON THE  
MARLBORO TOWNSHIP TAX MAP)

WHEREAS, Marvin and Dalia Winick (the "Owners") are the record owners of certain real property located at 27 Sudbury Road, Morganville, more commonly known and designated as Block 267, Lot 25 (the "Property"), on the Marlboro Township Tax Map; and

WHEREAS, the Property is encumbered with a first mortgage (the "First Mortgage") granted to Washington Mutual Mortgage Company in the current amount of approximately \$240,800.00; and

WHEREAS, on or about December 14, 2001, the Owners granted to the Township a second mortgage (the "Township Mortgage") encumbering the Property to secure the payment of \$12,000.00, with interest, which was recorded on January 24, 2002 in Mortgage Book 8077 at Page 6915; and

WHEREAS, the intention of the Township Mortgage is to secure the payment of expenses related to certain rehabilitation work which was performed at the Property pursuant to and in accordance with the Township's Affordable Housing Program; and

WHEREAS, by Resolution #2003-66, the Township Council authorized the subordination of the Township Mortgage to a \$55,000.00 home equity loan (the "Home Equity Loan") paid to the Owners by First Union National Bank, now known as Wachovia Bank; and

WHEREAS, the Owners now desire to refinance the loan secured by the First Mortgage with First Horizon Loan Corporation and to grant a mortgage to said corporation securing the new loan (the "New Mortgage"); and

WHEREAS, as a condition of approving said refinancing, First Horizon Loan Corporation is requiring the Township of Marlboro to execute a Subordination Agreement acknowledging that, following the refinancing of the loan secured by the First Mortgage, the Township Mortgage would be subordinate to the New Mortgage; and

WHEREAS, Administration and the Township of Marlboro Engineering Department have determined that there is

sufficient equity in the refinancing to satisfy the Township Mortgage, if needed.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute the Subordination Agreement, attached hereto and made a part hereof, acknowledging that the Township Mortgage is subordinate only to the New Mortgage and the Home Equity Loan; and

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

- a. Affinity Title Agency, Inc.
- b. COAH Coordinator
- c. Marvin and Dalia Winick
- d. Gluck, Walrath & Lanciano, LLP.

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. # 2004-146 (Redemption Tax Sale Certs. - Various), Res. # 2004-147 (Tax Refund - B. 286.01, L. 41.01, Res. # 2004-148 (Refund to WMUA - B. 286, L. 20), Res. # 2004-149 (Refund Disabled Vet. Exemption - B. 386, L. 50).

RESOLUTION # 2004-146

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$88,703.33 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 \$88,703.33 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
01-10	146/34	Crusader Servicing Corp.	\$14,928.36
318A	Tylers Lane	179 Washington Lane Jenkintown, PA 19046	

03-21	191/5	Fidelity Tax LLC	46,469.80
	2 Amagansett Drive	P.O. Box 5707	
		Fort Lauderdale, FL 33310	
03-33	393/20	Crusader Servicing Corp.	26,648.11
	1 Woodland Terrace	179 Washington Lane	
		Jenkintown, PA 19046	
03-44	120.02/11	American Tax Funding, LLC	657.06
	410 Ironwood Lane	P.O. Box 862658	
		Orlando, FL 32886-2658	
TOTAL:			\$88,703.33

RESOLUTION # 2004-147

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$10,833.00 for the year 2003, for Block 268.01 Lot 41.01, located at 184 Route 9 North, assessed to Willow Pointe Associates, L.P.,

WHEREAS, the 2003 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$10,833.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$10,833.00 to Peter Zipp, Attorney Trust/Willow Pointe Associates, L.P. as noted above.

RESOLUTION # 2004-148

WHEREAS, current sewer charges in the amount of \$348.70 for Block 286 Lot 20, assessed to Vincent Jr. & Victoria M. Cigna, have been paid by JNH Funding Corp., lienholder of the Tax Sale Certificate #01-45 on the above-referenced property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$348.70 be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2004-149

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Sam Halperin, Block 386 Lot 50, located at 11 Lansdale Drive,

WHEREAS, taxes were billed for the full year of 2003 in the amount of \$4,122.31, and

WHEREAS, this exemption became effective September 26th, 2003 and taxes were paid for the full year, the above-mentioned taxpayer is due a refund of \$1,113.40 for the year 2003 and cancel same.

WHEREAS, taxes for the first quarter of 2004 were paid, the above-mentioned taxpayer is also due a refund of \$1,034.70,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount totaling \$2,148.10 to the above-mentioned taxpayer.

The following Resolution were introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. # 2004-150 (Raffle License (On Premise 50/50) - Jewish Federation, Res. # 2004-151 (Raffle License (On Premise Merchandise) - Jewish Federation.

RESOLUTION # 2004-150

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 06-04 (On Premise Merchandise) be and it is hereby granted to Jewish Federation of Monmouth County, 100 Grant Ave. Deal, N.J. 07723.

BE IT FURTHER RESOLVED that said Raffle will be held on May 19, 2004 at Marlboro Jewish Center 103 School Road West Marlboro, N.J. 07746 from 5:30 PM - 9:30 PM.

RESOLUTION # 2004-151

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 07-04 (On Premise

50/50 Cash) be and it is hereby granted to Jewish Federation of Monmouth County, 100 Grant Avenue Deal N.J. 07723.

BE IT FURTHER RESOLVED that said Raffle will be held on May 19, 2004 at Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746 from 5:30 PM-9:30 PM.

At 12:00 Midnight, Councilwoman Morelli moved that the meeting go into executive session for reasons of acquisition of Property, contract negotiations, personnel, and litigation. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn). Recess was called, and the executive session commenced at 12:10 AM.

RESOLUTION # 2004-152

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 29th day of April, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property, contract negotiations, litigation and personnel.

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 12:35PM, Councilman Pernice moved that the executive session be opened. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

At 12:40PM, Councilman Pernice moved that the meeting be adjourned. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

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ALIDA DE GAETA  
MUNICIPAL CLERK

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JAMES MIONE  
COUNCIL PRESIDENT

