

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MAY 5, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on May 5, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice 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 7, 2005; 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: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

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

Council President Pernice motioned to table Ordinance # 2005-12 (Amend Chapter 84 - Churches and Houses of Worship) to the May 19th agenda. This was seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

The following Res. # 2005-168/Ord. #2005-14 (Prohibiting Parking - Hobart Street) was introduced as amended by reference, offered by Councilman Denkensohn, seconded by

Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor. Captain Eric Landau was present for discussion and confirmed that the residents affected were contacted and are in favor of the amended ordinance.

RESOLUTION # 2005-168

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

ORDINANCE # 2005-14 (As Amended)

AN ORDINANCE AMENDING SECTION 138-38 "SCHEDULE I: NO PARKING" OF CHAPTER 138 "VEHICLES AND TRAFFIC", ARTICLE XIV "SCHEDULES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROHIBIT PARKING ON CERTAIN PARTS OF HOBART STREET IN THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 19, 2005 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 # 2005-14 (As Amended)

AN ORDINANCE AMENDING SECTION 138-38 "SCHEDULE I: NO PARKING" OF CHAPTER 138 "VEHICLES AND TRAFFIC", ARTICLE XIV "SCHEDULES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROHIBIT PARKING ON CERTAIN PARTS OF HOBART STREET IN THE TOWNSHIP OF MARLBORO

WHEREAS, Section 138-38 of the Code of the Township of Marlboro identifies those streets or parts of streets upon which parking is prohibited; and

WHEREAS, the Township of Marlboro Division of Police has recommended for public safety purposes that Section 138-38 be amended to prohibit parking on both sides of Hobart Street from the intersection of Route 79 to a point 145 feet west of Route 79;

WHEREAS, in the interest of the health, safety and general welfare of the residents of the Township of Marlboro, the Township Council desires to amend Section 138-38 in accordance with the recommendations of the Division of Police.

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 138-38 "Schedule I: No Parking" of the Code of the Township of Marlboro is hereby amended and supplemented to prohibit parking on the follow part of Hobart Street:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Hobart Street	Both	From the intersection of Route 79 to a point 145 feet west of Route 79.

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials, shall be installed to effectuate the intent of this Ordinance; and

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.

Council President Pernice opened the Public Hearing on Ordinance #2005-17 (Amend Chapter 84 - Lot Coverage). After the Public Hearing was closed, Councilman Denkensohn motioned to reduce the calculation of impervious surfaces for pavers without mortar from 50% to 25%. There was no second. Mayor Kleinberg phoned Planner Jennifer Beahm to ask her what effect reducing the calculation from 50% to 25% coverage would have. Ms. Beahm stated there was no scientific rationale, except that 50% is more resident friendly. She recommended keeping the percentage at 50%. Council will revisit this issue at a later date and consider future amendments. The following Resolution #2005-188/Ord. #2005-17 (Amend Chapter 84 - Lot Coverage) was introduced by reference, offered by Councilman Mione, seconded by Council President Pernice and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-188

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

ORDINANCE # 2005-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE I "DEFINITIONS, PURPOSE AND INTERPRETATION ZONING", SECTION 84-04, "DEFINITIONS" AND CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE VIII, "SUBDIVISIONS, DESIGN AND PERFORMANCE STANDARDS, SECTION 84-97, "ACCESSORY BUILDINGS AND STRUCTURES"

which was introduced on April 21, 2005, public hearing held May 5, 2005, be adopted on second and final reading this 5th day of May, 2005.

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

The following Res. #2005-189/Ord. #2005-18 (Bond Ordinance - Poles/Electric) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-189

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

ORDINANCE # 2005-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A CONTRIBUTION TOWARD THE CAPITAL COST OF INSTALLING STREET LIGHTING POLES AND FIXTURES AT VARIOUS LOCATIONS WITHIN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$265,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$251,750 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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 19, 2005 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 # 2005-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A CONTRIBUTION TOWARD THE CAPITAL COST OF INSTALLING STREET LIGHTING POLES AND FIXTURES AT VARIOUS LOCATIONS WITHIN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$265,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$251,750 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 is hereby 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 sum of \$265,000 including the sum of \$13,250 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 cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$251,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 are to be issued is the contribution to Jersey Central Power and Light Company toward the capital cost of installing street lighting poles and fixtures at various locations within the Township, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 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 Township 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 cost thereof has been or shall be specially assessed on property specially benefitted 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 Township 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 \$251,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of \$15,000 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 purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the improvement or 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 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 costs of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued 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 Res. #2005-202/Ord. #2005-19 (Bond Ordinance - Acquisition of Information Signs) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-202

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

ORDINANCE # 2005-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION AND/OR ACQUISITION OF A COMPUTER OPERATED INFORMATION SIGN FOR THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX AND APPROPRIATING \$45,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$42,750 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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 19, 2005 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 # 2005-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION AND/OR ACQUISITION OF A COMPUTER OPERATED INFORMATION SIGN FOR THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX AND APPROPRIATING \$45,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$42,750 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 is hereby 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 sum of \$45,000 including the sum of \$2,250 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 cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$42,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 are to be issued is the construction and/or acquisition of a double-sided computer operated information sign to be installed in front of the Township Municipal Complex, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 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 Township 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 cost thereof has been or shall be specially assessed on property specially benefitted 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 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township 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 \$42,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of \$2,500 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 purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the improvement or 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 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 costs of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued 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 Res. #2005-190 (Deferring School Taxes) was introduced by reference, offered by Councilman Denkensohn, and seconded by Council Vice President Morelli. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-190

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wish to increase the Township's deferred school taxes as promulgated by the Division of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to increase the Township's deferred school taxes as of December 31, 2005 as follows;

	<u>From</u>	<u>To</u>	<u>Increase</u>
Local District School	\$22,283,000.00	\$23,294,761.79	
\$1,011,761.79			
Regional High School	\$10,136,761.79	\$11,625,000.00	
\$1,488,238.21			
Total	\$32,419,761.79	\$34,919,761.79	
\$2,500,000.00			

The following Res. #2005-191 (Introduction of 2005 Municipal Budget) was read into the record by Council President Pernice, offered by Councilman Denkensohn, and seconded by Council President Pernice. There was a brief discussion between Council members and Administration, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-191

Section 1.

Municipal Budget of the Township of Marlboro, County of Monmouth for the Year 2005.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Fiscal year 2005;

BE IT FURTHER RESOLVED, that said Budget be published in the Asbury Park Press in the issue of May 10, 2005, Notice is hereby given that the Budget and the Tax Resolution was approved by the Governing Body of the Township of Marlboro, County of Monmouth, on May 5, 2005.

A Hearing on the Budget and Tax Resolution will be held at Town Hall/Municipal Building, on May 5, 2005 at 8:00PM at which time and place objections to said Budget and Tax Resolution for the year 2005 may be presented by taxpayers or other interested persons.

General Appropriations For:

1. Appropriations within "CAPS"
 - (a) Municipal Purposes

\$18,834,961.19

2. Appropriations excluded from "CAPS"
 - (a) Municipal Purposes
7,684,955.08
 - (b) Local School District Purposes
in Municipal Budget
Total General Appropriations
excluded from "CAPS"
7,684,955.08
3. Reserve for Uncollected Taxes
1,701,790.90
4. Total General Appropriations
28,221,707.17
5. Less: Anticipated Revenues Other than
Current Property Tax
12,741,330.57
6. Difference: Amounts to be raised by
taxes for Support of Municipal Budget
 - (a) Local Tax for Municipal Purposes
Including Reserve for Uncollected Taxes
15,480,376.60

The following Resolution # 2005-130 (carried from mtg. 3/15) Inspection Services Tax Assessor) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-130

A RESOLUTION AUTHORIZING THE TOWNSHIP OF
MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES
CONTRACT WITH PROFESSIONAL PROPERTY APPRAISERS,
INC. FOR THE PROVISION OF INSPECTION SERVICES
REGARDING IMPROVEMENTS FOR THE OFFICE OF THE TAX
ASSESSOR OF THE TOWNSHIP OF MARLBORO

WHEREAS, there exists in the Township of Marlboro a need for the services of a firm specializing in appraisal and inspection services to assist the Tax Assessor's Office in its evaluation of assessments on improved properties in the Township; and

WHEREAS, in order to determine the assessed value of the improvements, a professional appraiser must be appointed by the Township to assist the Tax Assessor in

determining the appropriate value for the assessment of said properties; and

WHEREAS, such services involve professional knowledge and involve such qualified services and knowledge that specifications cannot reasonably be formulated; 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 Township Clerk and that notice of the award of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Professional Property Appraisers, Inc. to perform the aforesaid inspection services to assist the Tax Assessor in determining the value of improved properties in the Township for tax assessment purposes.

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

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Professional Property Appraisers, Inc. with regard to the aforesaid services, as per the proposal dated January 21, 2005, to be attached hereto and made a part hereof.

2. That the services to be performed shall be as outlined in the attached proposal, not to exceed \$35,000; further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be

performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. 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.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Professional Property Appraisers, Inc.
(Attn: Thomas C. Davis, SRA, ASA, CTA)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Tax Assessor
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2005-192 (Authorizing Ratification of Contract - Capt.) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-192

RESOLUTION AUTHORIZING THE EXECUTION
OF A COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND
CWA LOCAL #1044 (WHITE COLLAR)

WHEREAS, the Township of Marlboro and CWA Local # 1044 (White Collar) have reached an agreement with respect to a successor Collective Bargaining Agreement for the term January 1, 2004 through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor is

authorized to execute and the Township Clerk is authorized to attest to the Collective Bargaining Agreement between the Township of Marlboro and CWA Local # 1044 (White Collar) in accordance with the Memorandum of Agreement on file in the Township Administrator's Office; and

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

- a. Judith Tiernan, Business Administrator;
- b. Ulrich Steinberg, Chief Financial Officer;
- c. Marlboro Township CWA; and
- d. Gluck Walrath, LLP, Township Attorneys.

The following Resolution # 2005-192A (Authorizing Ratification of Contract - Sergeants/Lieutenants) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-192A

RESOLUTION AUTHORIZING THE EXECUTION OF A
COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND FOP LODGE #15
(SERGEANTS/LIEUTENANTS)

WHEREAS, the Township of Marlboro and FOP Lodge #15 (Sergeants/Lieutenants) have reached an agreement with respect to a successor Collective Bargaining Agreement for the term January 1, 2005 through December 31, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute and the Township Clerk is authorized to attest to the Collective Bargaining Agreement between the Township of Marlboro and FOP Lodge #15 (Sergeants/Lieutenants) in accordance with the Memorandum of Agreement on file in the Township Administrator's Office; and

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

- a. Judith Tiernan, Business Administrator;
- b. Ulrich Steinberg, Chief Financial Officer;

- c. FOP Lodge #15 (Sergeants/Lieutenants); and
- d. Gluck Walrath, LLP, Township Attorneys.

The following Resolution # 2005-155 (mtg. 4/7 - Authorizing Settlement - Marlboro Summit) was introduced by reference, offered by Council Vice President Morelli and seconded by Councilman Denkensohn. After discussion, the resolution was passed on a roll call vote of 4 - 1 in favor, with Councilman Cantor voting no.

RESOLUTION # 2005-155

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT IN THE MATTER OF MARLBORO SUMMIT, LLC v. TOWNSHIP OF MARLBORO, et.al., DOCKET NO. MON-L-1725-04 AND AUTHORIZING THE RELEASE OF THE PERFORMANCE BONDS AND CASH BONDS FOR THE PUBLIC IMPROVEMENTS TO THE DEVELOPMENT KNOWN AS MARLBORO SUMMIT PHASE I AND MARLBORO SUMMIT PHASE II

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro (the "Township") received a request from Marlboro Summit, LLC ("Marlboro Summit") for the release of certain performance guarantees, including performance bonds and cash bonds, that had been posted by Marlboro Summit with the Township to guarantee Marlboro Summit's installation of certain public improvements during its development of property owned by Marlboro Summit located at Block 148, Lots 4 and 10 within the Township (the "Property"); and

WHEREAS, prior to the Township Council making a decision on Marlboro Summit's request to release the performance guarantees, the Township Council received reports from Schoor DePalma and two memoranda from William Schultz, who was then serving as the Township Engineer, recommending that the Township release the remaining performance guarantees relating to the development of the Subject Property, subject to Marlboro Summit's posting of maintenance bonds for Phase I and Phase II of its development, and also subject to (1) the receipt of an as-built drawing acceptable to the inspecting engineer, (2) the payment by Marlboro Summit of all fees required by the Developer's Agreement, and (3) a certification from the Township Tax Collector that all taxes due to the Tax Collector have been paid; and

WHEREAS, also prior to the Township Council making a decision on Marlboro Summit's request to release the performance guarantees, the Township Council received numerous complaints from its citizens regarding flooding and drainage problems allegedly caused by Marlboro Summit's development of the Subject Property, and also received photographs, videotapes, and an engineering report from Apex Group, Inc. relating to these flooding and drainage problems; and

WHEREAS, on March 25, 2004, the Township Council defeated the resolutions to release the performance guarantees for Phases I and II of Marlboro Summit's development of the Subject Property; and

WHEREAS, on or about April 13, 2004, Marlboro Summit filed a Complaint in Lieu of Prerogative Writs entitled Marlboro Summit, LLC v. Township of Marlboro, et.al., Docket No. MON-L-1725-04 (the "Lawsuit") seeking to compel the Township to release certain performance guarantees, including performance bonds and cash bonds, relating to the Phase I and Phase II of the development of the Property; and

WHEREAS, the Township filed an Answer denying the allegations raised within Marlboro Summit's Complaint; and

WHEREAS, the Township filed a motion to supplement the record before the Court to include information developed through discovery revealing that the former Township Engineer allegedly acted in violation of the Local Government Ethics Law and the professional ethical standards governing licensed professional engineers in the State of New Jersey by failing to recuse himself with regards to the Marlboro Summit performance bond release; and

WHEREAS, the Court denied the Township's motion to supplement the record; and

WHEREAS, Marlboro Summit has proposed to settle the Lawsuit by (1) installing certain drainage improvements upon property impacted by its development of the Property and (2) by making a contribution in the amount of \$1,500.00 to the Township to be used by the Township towards the Township's future acquisition of an easement

across properties south of the Property which have frontage on Brown Road, so long as (3) the Township releases the performance guarantees relating to the development of Phase I and Phase II of the Property; and

WHEREAS, the terms and conditions of the settlement proposed by Marlboro Summit are set forth more fully within the Settlement Agreement which is appended hereto and made a part hereof; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle the Lawsuit pursuant to the terms and conditions set forth within the Settlement Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the settlement of the Lawsuit pursuant to the terms and conditions set forth within the Settlement Agreement is hereby approved; and

BE IT FURTHER RESOLVED, that the Township hereby accepts the improvements to Phases I and II of the Property and hereby releases the performance bond in the amount of \$284,974.52 and the cash bond in the amount of \$31,663.84 relating to Phase I of the development of the Property, and the performance bond in the amount of \$316,025.60 and the cash bond in the amount of \$35,113.46 relating to Phase II of the development of the Property, in their entirety, subject to the terms and conditions set forth within the Settlement Agreement; and

BE IT FURTHER RESOLVED, that the Mayor be and hereby is authorized to execute the Settlement Agreement so long as it is in a form substantially similar to that attached hereto, and that the Mayor be and hereby is also authorized to execute a Release in a form acceptable to the Township Attorney and to take all steps necessary to comply with the terms and conditions of the Settlement Agreement; and

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

- a. Thomas F. Carroll, III, Attorney for Marlboro Summit
- b. Township Engineer

- c. Township Administrator
- d. Gluck Walrath, LLP.

The following Resolution # 2005-193 (Authorizing Settlement - Aquatic Center) was introduced by reference, offered by Councilman Denkensohn and seconded by Council Vice President Morelli. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-193

A RESOLUTION AUTHORIZING THE EXECUTION OF A
SETTLEMENT AGREEMENT IN THE MATTER OF
STONERIDGE, INC. v. TOWNSHIP OF MARLBORO, AAA
NO. 18 110 Y 08843-04

WHEREAS, on or about November 23, 2004, Stoneridge, Inc. ("Stoneridge") initiated an arbitration proceeding with the American Arbitration Association entitled Stoneridge, Inc. v. Township of Marlboro, AAA No. 18 110 Y 08843-04 (the "Arbitration Proceeding") through the filing of a Demand for Arbitration asserting certain claims arising from its contract with the Township of Marlboro (the "Township") for the design and construction of the Marlboro Aquatic Center; and

WHEREAS, on or about December 17, 2004, the Township filed an Answering Statement to Stoneridge's Demand for Arbitration which included a counterclaim against Stoneridge; and

WHEREAS, as a result of a mediation session held in the Arbitration Proceeding, the mediator requested that the professionals representing the parties recommend to their respective clients that they enter into a settlement agreement to resolve the claims in the Arbitration, the terms and conditions of which are set forth more fully within the Settlement Agreement which is attached hereto and is made a part hereof; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle the Arbitration Proceeding pursuant to the terms and conditions set forth within the Settlement Agreement to avoid the cost and uncertainty of further prosecution and defense of the claims asserted or which could have

been asserted in the Arbitration Proceeding and by this Settlement Agreement, the Township intends in good faith to resolve all such claims without the cost and risk of further litigation and ultimate trial and without admitting any liability.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the settlement of the Arbitration Proceeding pursuant to the terms and conditions set forth within the Settlement Agreement is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor be and hereby is authorized to execute the Settlement Agreement in a form substantially similar to that attached hereto, and that the Mayor be and hereby is also authorized to execute a Release in a form acceptable to the Township Attorney and to take all steps necessary to comply with the terms and conditions of the Settlement Agreement; and

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

- a. Michael Sinko, Attorney for Stoneridge
- b. Township Administrator
- c. Gluck Walrath, LLP.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Mione, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor: Res. #2005-194 (Award of Contract - Cabinetry for Vehicles for Police Dept. - Odyssey Automotive Specialty), Res. #2005-195 (Award of Bid - Detention/Retention Basin Maint.), Res. #2005-196 (Award of Bid - Electrical Modifications for Municipal Complex), Res. #2005-197 (Award of State Contract - Computers/Replacement), Res. #2005-198 (Authorizing Contract - SPCA/Kennel Fees), Res. #2005-199 (Reject Bid - Leasing of Farming Rights - Former DiMeo Property).

RESOLUTION # 2005-194

RESOLUTION AUTHORIZING THE PURCHASE AND
INSTALLATION OF CABINETRY FOR VARIOUS VEHICLES
FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for the purchase and installation of cabinetry for various vehicle; and

WHEREAS, the Police Department received the following estimates:

1. Odyssey Automotive Specialty, Wharton, New Jersey - \$10,690.00
2. Wattco, Fairfield, California - \$12,150.00
3. Response Technologies, Inc., Flanders, New Jersey - \$11,700.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to Odyssey Automotive Specialty for the purchase of the aforementioned item; and

WHEREAS, funds are available in Reserve for Insurance Account Number 5-01-55-901-289 and Capital Account Number X-04-55-917-929 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 equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase and installation of cabinetry for various vehicles from Odyssey Automotive Specialty, 711 Jackson Road, Wharton, New Jersey 08004; and

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

- a. Odyssey Automotive Specialty, Wharton, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer

e. Gluck Walrath, LLP

RESOLUTION # 2005-195

A RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT TO SHAMROCK LAWN AND LANDSCAPE, INC.
FOR THE PROVISION OF DETENTION/RETENTION BASIN
MAINTENANCE SERVICES FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of detention/retention basin maintenance services for the Township of Marlboro Department of Public Works; and

WHEREAS, two (2) bids were received as follows:

1. Shamrock Lawn and Landscape, Inc. of 648 Jackson Mills Road, Jackson, New Jersey 08527 in the amount of \$120,000.00; and

2. Marlboro Lawn and Landscaping, Inc. of 146 Rt. 79 Marlboro, New Jersey 07746 in the amount of \$124,450.00; and

WHEREAS, the Administration, the Director of Public Works and the Township Attorney have reviewed the bids received and recommend that the contract be awarded to Shamrock Lawn and Landscape, 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, Shamrock Lawn and Landscape, 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 for the provision of detention/retention basin maintenance services for the Township of Marlboro Department of Public Works be and hereby is awarded to Shamrock Lawn and Landscape, Inc. and that the Mayor is authorized to execute a one-year contract, with the option to renew for an additional one year upon the same terms and conditions, between the Township of Marlboro and

Shamrock Lawn and Landscape, Inc. for the provision of detention/retention basin maintenance services in an amount not to exceed \$120,000.00 in accordance with the bid proposal submitted by Shamrock Lawn and Landscape, 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. Shamrock Lawn and Landscape, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP.

RESOLUTION # 2005-196

A RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT TO PROCOMM SYSTEMS, INC. FOR THE
PERFORMANCE OF ELECTRICAL MODIFICATIONS FOR
THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the performance of electrical modifications for the Township of Marlboro Municipal Complex; and

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

1. JFGeorges and Sons Electrical, Inc. of 320 Main Street, Spotswood, New Jersey 08884 for a signal bid of \$71,000.00, no Alternate Bids or Unit Pricing were submitted;
2. Procomm Systems, Inc. of 823 Uniontown Road, Phillipsburg, New Jersey 08865 for a single bid of \$74,750.00; Alternate Bid #1 deduct \$0; Alternate Bid #2 add \$6,500.00; Unit Pricing (a) Duplex Receptacle - \$320.00; (b) Voice/Data Jack - \$250.00; (c) Exit Light - \$550.00; and (d) Smoke Detector - \$525.00;

3. Sodon's Electric, Inc. of 25 West Highland Avenue, Atlantic Highlands, New Jersey 07716 for a single bid of \$91,930.00; Alternate Bid #1 deduct \$10,500.00; Alternate Bid #2 add \$9,800.00; Unit Pricing (a) Duplex Receptacle - \$175.00; (b) Voice/Data Jack - \$180.00; (c) Exit Light - \$230.00; and (d) Smoke Detector - \$280.00; and

4. Electric Power Solutions, LLC of 87 Bayside Drive, Atlantic Highlands, New Jersey 07716 for a single bid of \$156,354.00; Alternate Bid #1 deduct \$8,140.00; Alternate Bid #2 add \$8,140.00; Unit Pricing (a) Duplex Receptacle - \$325.00; (b) Voice/Data Jack - \$185.00; (c) Exit Light - \$250.00; and (d) Smoke Detector - \$200.00; and

WHEREAS, the Township Attorney has reviewed the bids received and recommends that the bid of JFGeorges and Sons Electrical, Inc. be rejected as non-responsive on the basis that said bidder failed to provide Alternate Bids and Unit Pricing as required by the bid specifications; and

WHEREAS, Administration and the Director of Public Works have reviewed the remaining bids received and recommend that the contract be awarded to Procomm Systems, 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, Procomm Systems, 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 bid submitted by JFGeorges and Sons Electrical, Inc. for the performance of electrical modifications for the Township of Marlboro Municipal Complex be and hereby rejected as non-responsive; and

BE IT FURTHER RESOLVED, that the contract for the performance of electrical modifications for the Township of Marlboro Municipal Complex be and hereby is awarded to Procomm Systems, 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

Procomm Systems, Inc. for the performance of electrical modifications for the Township of Marlboro municipal complex in accordance with the bid proposal submitted by Procomm Systems, 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. Procomm Systems, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP.

RESOLUTION # 2005-197

RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY
(20) DESKTOP AND FOUR (4) LAPTOP REPLACEMENT
COMPUTERS FROM DELL MARKETING L.P.
STATE CONTRACT #A81247

WHEREAS, the Marlboro Township Engineering Department has recommended that the Township purchase twenty (20) desktop and four (4) laptop replacement computers from Dell Marketing L.P., One Dell Way, RR8-Box 8724, Round Rock, TX 78682 under State Contract #A81247 for the amount of \$35,492.40; 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 the said computers to the Township of Marlboro; and

WHEREAS, funds are available in MCIA Account Number Y-01-55-012-902 and Capital Account Number X-98- -017-903 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 computers;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase twenty (20) desktop and four (4) laptop replacement computers from Dell Marketing L.P., One Dell Way, RR8-Box 8724, Round Rock, TX 78682 under State Contract #A81247 for the amount of \$35,492.40; and

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

- a. Shamrock Lawn and Landscape, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP

RESOLUTION # 2005-198

RESOLUTION AUTHORIZING KENNEL SERVICES PROVIDED BY
THE MONMOUTH COUNTY SPCA FOR THE MARLBORO TOWNSHIP
POLICE DEPARTMENT, DIVISION OF ANIMAL CONTROL

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for kennel services; and

WHEREAS, the Police Department received the following estimates:

1. Monmouth County SPCA, Eatontown, New Jersey - \$15,555.00
2. Sayrebrook Veterinary Hospital, Sayreville, New Jersey - \$21,000.00

WHEREAS, the lowest estimate for the aforementioned services is less than \$17,500.00 in the contract year,

thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to the Monmouth County SPCA for the aforementioned services; and

WHEREAS, funds are available in Trust Account Number T-13-56-855-801 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 services;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for kennel services provided by the Monmouth County SPCA, 260 Wall Street, Eatontown, New Jersey 07724 for an amount not to exceed \$15,555.00; and

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

- a. Monmouth County SPCA, Eatontown, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION #2005-199

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

Leasing of Farming Rights - Former DiMeo Property

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

The following Resolution # 2005-200 (Special Meeting - May 10, 2005 - 8 PM - Discussion of Board of Education Budget) was introduced by reference, offered by

Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-200

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on May 10, 2005 at 8:00 PM at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N. J. 07746. The purpose of the special meeting is to hold discussions on the Board of Education Budget. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.

The following Resolution # 2005-201 (Modifying Res. #2004-401 - Contract for Cartegraph Systems) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-201

A RESOLUTION MODIFYING RESOLUTION #2004-401 WHICH AWARDED A CONTRACT TO CARTEGRAPH SYSTEMS, INC. FOR THE PROVISION OF SOFTWARE PRODUCTS AND THE SUBSEQUENT MAINTENANCE AGREEMENT

WHEREAS, Resolution #2004-401 was passed by the Township Council of the Township of Marlboro on January 3, 2005, and

WHEREAS, Resolution #2004-401 awarded a contract to Cartegraph Systems, Inc. which totaled \$81,832.00, and

WHEREAS, the understanding that the funding for this contract was to be made up of two independent components, one being a \$40,000 "Rebuilding Homeland Grant", and the remainder coming from local funding sources, and

WHEREAS, In preparation for the participation in this contract, the Township Council of the Township of Marlboro had passed a Chapter 159 resolution to both anticipate the \$40,000 "Rebuilding Homeland Grant" as a revenue in the 2004 Municipal Budget and to appropriate \$40,000 as a line item in the 2004 Municipal Budget, and

