

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JUNE 10, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on June 10, 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.

The Clerk called the Roll.

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

Also present were: Mayor Robert 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.

The following Resolution # 2004-184 (Renewal Liquor Licenses 7/1/04 - 6/30/05) was offered by Councilman Burrows and seconded by Councilwoman Morelli. Discussion followed, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-184

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2004 through June 30, 2005.

- | | | |
|-----|--|-----------------|
| 1. | Hituja Corp.
T/A Marlboro Buy Rite Liquors | 1328 44 001 006 |
| 2. | T & C Restaurant Inc.
T/A Crown Palace | 1328 33 005 006 |
| 3. | Gene and Lottie Janowski, Inc.
T/A Fireside Lodge | 1328 33 003 002 |
| 4. | I.R Restaurant Corp. | 1328 33 007 004 |
| 5. | Anna Ulaskevich
T/A Andiron Inn | 1328 33 010 002 |
| 6. | M. S. D. Enterprise, Inc.
T/A Martucci's Deli | 1328 44 009 003 |
| 7. | Briad Restaurant Group,L.L.C.
T/A TGI Fridays | 1328 33 017 002 |
| 8. | Worthwhile, Inc.
T/A Cambridge Spirits Unlimited | 1328 44 016 002 |
| 9. | 476 Route 520 Corp.
T/A SamVera | 1328 33 002 012 |
| 10. | Bella Vista Country Club | 1328 33 004 004 |
| 11. | JRJ Hospitality Inc.
T/A Nonna's | 1328 33 015 011 |
| 12. | A.J.R. Restaurant Group
1440 Garret Drive, Wall 07719 | 1328 33 018 001 |
| 13. | B.T.A., LLC
448 Route 9 North | 1328 33 008 005 |
| 14. | Morganville Vol. Fire Co. No. 1 | 1328 31 013 001 |
| 15. | Morganville Ind. Vol. Fire Co. Inc. | 1328 31 012 001 |
| 16. | Robertsville Vol. Fire Co. #1 | 1328 31 014 001 |

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Resolution # 2004-185 (Designating Cross-Acceptance Representative - Jennifer Beahm) was offered by Council Vice President Denkensohn, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION 2004 # 185

FOR THE APPOINTMENT OF MUNICIPAL CROSS-ACCEPTANCE REPRESENTATIVES

WHEREAS, the New Jersey State Planning Commission is re-examining the New Jersey State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act provides for a process of "Cross-Acceptance", whereby each municipality in the State Development and Redevelopment Plan; and

WHEREAS, the Monmouth County Planning Board has requested that the Mayor and the Marlboro Township Council designate a Cross-Acceptance delegation comprised of representatives that are most knowledgeable with the municipality's master plan, zoning regulations, and other planning initiatives; and

WHEREAS, at least two representatives should be designated to be part of the Cross-Acceptance delegation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro that JENNIFER BEAHM is hereby designated as the representative(s) for the Cross-Acceptance process.

The following Resolution # 2004-186 (Appointing Community Development Representative and alternate - Robert Dimarco & Robert Miller) was offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-186

APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVE AND ALTERNATE

WHEREAS, there exist in the Township of Marlboro, County of Monmouth, the need for a Community Development

Representative and an Alternate Community Representative;
and

WHEREAS, Robert DiMarco is qualified for said position
of Community Representative; and

WHEREAS, Robert Miller is qualified for said position
of alternate Community Alternate Representative; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and
Township Council of the Township of Marlboro that
Robert DiMarco be appointed as Community Development
Representative and Robert Miller be appointed as Alternate
Community Development Representative.

The following Resolution # 2004-187 (Authorizing Grant -
Special Therapeutic Recreation) was offered by Councilwoman
Morelli, seconded by Councilman Pernice and passed on a
roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-187

WHEREAS, the Township of Marlboro desires to apply for
and obtain a grant from the New Jersey Department of
Community Affairs, for funding in the amount of \$7,000,
State with \$1,750 local share for a total contract of
\$8,750 for 2005 to carry out a program for special
therapeutic recreation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the
Township Council of the Township of Marlboro does hereby
authorize the application for and the execution of a
contract for the receipt of such a grant from the New
Jersey Department of Community Affairs, and does further,
upon the execution of such a contract, authorize the
expenditure of such funds pursuant to the terms of said
contract between the Township of Marlboro and the New
Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor and Municipal
Clerk be and they are hereby authorized and directed to
sign the application, the contract and any other documents
necessary in connection therewith.

The following Resolution # 2004-188 (Fireworks Permit - Municipal Complex - June 27, 2004) was offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-188

RESOLUTION AUTHORIZING THE ISSUANCE OF A
FIREWORKS DISPLAY PERMIT TO BAY FIREWORKS, INC.

WHEREAS, N.J.S.A. 21:3-1, *et. seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the chiefs of the police and the fire departments of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, Bay Fireworks, Inc. has applied for a permit to conduct a fireworks display within the Township of Marlboro on June 27, 2004 upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable administrative code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to Bay Fireworks, Inc. to conduct a fireworks display on June 27, 2004 within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief(s) of the Police and Fire Department(s) in accordance with the above; and

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than twenty-five hundred dollars (\$2,500.00), N.J.S.A. 21:3-4.

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

1. The Chief(s) of the Police and Fire Department(s).
2. The Fire Prevention Bureau.
3. Township Business Administrator.

The following Resolution # 2004-189 (Advising and Consenting to Library Board Appt. - Daphne K. Mishkin) was offered by, Council Vice President Denkensohn seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-189

RESOLUTION APPOINTING MEMBER OF THE BOARD OF TRUSTEES OF THE
MARLBORO FREE PUBLIC LIBRARY

WHEREAS, N.J.S.A. 40:54-9, *et seq.* and Section 4-34D(4) of the Code of the Township of Marlboro require the Mayor, subject to the advice and consent of the Township Council, to appoint citizen members to the Board of Trustees of the Marlboro Free Public Library; and

WHEREAS, a vacancy arose on that Board as of September 10, 2003, that has not been filled; and

WHEREAS, in accordance with N.J.S.A. 40:54-10, the Mayor, subject to the advice and consent of the Township Council, desires to appoint DAPHNE K. MISHKIN to fill such vacancy for a term to expire September 10, 2008; and

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of DAPHNE K. MISHKIN as a member of the Board of Trustees of the Marlboro Free Public Library.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appointment of DAPHNE K. MISHKIN as a member of the Board of Trustees of the Marlboro Free Public Library without

compensation, for a term to expire September 10, 2008, is hereby confirmed; and

BE AND IT IS FURTHER RESOLVED, that this appointment is made pursuant to N.J.S.A. 40:54-9, *et. seq.* and Section 4-34D(4) of Code of the Township of Marlboro.

Regarding Item # 14 (Appointment of additional Council Liaisons) - Council President Mione brought up several names for the positions. Discussion followed, after which the following Resolution # 2004-191 (Appointment of additional Council Liaisons) was offered by Council Vice President Denkensohn, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-191

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:

Open Space Committee	- Councilwoman Patricia Morelli
MTMUA	- Richard Chillemi
Recreation Commission	- Councilman Joseph Pernice
WMUA	- Joseph Castellucci

At 9:50PM, Councilwoman Morelli moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiations, litigation and personnel. This was seconded by Councilman Pernice, 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 10:00 PM.

RESOLUTION # 2004-190

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 10th day of June, 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, and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing

said aforementioned items and that such executive session should take approximately 40 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. No action will be taken following the executive session.

At 10:35PM, Council Vice President Denkensohn moved that the executive session be opened. This was seconded Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:40PM, Councilwoman Morelli moved that the meeting be adjourned. This was seconded by Council Vice President Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: July 22, 2004

OFFERED BY: Denkensohn AYES: 5

SECONDED BY: Mione NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT

