

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JUNE 15, 2006

The Marlboro Township Council held its regularly scheduled meeting on June 15, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

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

The Clerk called the Roll.

PRESENT: Council Vice President Cantor (8:25pm), Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli.

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

Councilman Pernice moved that the minutes of April 26, April 27, May 4 and May 18, 2006 be approved. This motion was seconded by Councilman Rosenthal and the minutes were passed on a roll call vote of 5 - 0 in favor.

Motion to introduce the following Res. 2006-229/2006-18 (Amend Table of Organization - Police Dept.) by reference was made by Councilman Rosenthal, seconded by Council Vice President Cantor and passed on a roll call vote of 4 - 1 in favor with Council President Morelli voting no.

Council took a five-minute recess.

The following Res. #2006-231 (Opposing Legislation) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-231

A RESOLUTION REQUESTING THE NEW JERSEY LEGISLATURE TO AMEND SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS 1428 AND 1540/ASSEMBLY BILL 1683 AUTHORIZING MUNICIPALITIES TO REQUIRE ENHANCED NOTICE OF APPLICATIONS FOR DEVELOPMENT UNDER THE MUNICIPAL LAND USE LAW

WHEREAS, on May 18, 2006, the New Jersey Senate passed Senate Committee Substitute for Senate Bills 1428 and 1540 which authorizes municipalities to adopt ordinances requiring enhanced notice of applications for development under the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, (the "Legislation"); and

WHEREAS, pursuant to the Legislation, a municipality may authorize by ordinance a "designated municipal official" to post a sign or signs on a property which is the subject matter of a development application notifying the public of the fact that a development application has been filed and giving a telephone number that can be utilized to obtain more information regarding the development application (the "Notice Sign"); and

WHEREAS, said Notice Signs must be posted by the "designated municipal official" not later than 10 days before the first scheduled public hearing on the application and must remain posted for 45 days following the memorialization of any board action; and

WHEREAS, the Notice Signs must be posted on all streets upon which the application has property fronting, other than limited access highways that are under State jurisdiction; and

WHEREAS, the Legislation imposes an obligation on the "designated municipal official" to file, at or before the scheduled public hearing, a board certification verifying the date the Notice Sign(s) was posted, its location on the property and a picture of the Notice Sign(s) located on the property; and

WHEREAS, the Legislation further imposes an obligation on the "designated municipal official" to maintain and remove the Notice Signs; and

WHEREAS, the only obligation imposed upon the applicant for development with respect to the Notice Signs is to pay a fee, not to exceed \$75, to cover the actual costs of printing and posting the Notice Signs; and

WHEREAS, in addition to allowing municipalities to adopt ordinances requiring the posting of Notice Signs, the Legislation permits a municipality to expand the scope of individual notice required by N.J.S.A. 40:55D-12 from property owners within 200 feet of the subject property to property owners within 300 feet of the subject property; and

WHEREAS, the Legislation has now been referred by the New Jersey Senate to the New Jersey Assembly (A1683); and

WHEREAS, while the Mayor and the Township Council of the Township of Marlboro strongly support the purpose of the Legislation, which is to increase the public's awareness of applications for development, they disagree with the requirements contained in the Legislation that the Notice Signs be printed, posted, maintained and removed by the municipality and that the applicant for development's only obligation is to contribute up to \$75 to the costs associated with these duties imposed upon the municipality; and

WHEREAS, the Mayor and Township Council believe that the burden and costs of printing, posting, maintaining and removing the Notice Signs should be imposed upon the applicant for development and not upon the municipality and its taxpayers.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro urges the New Jersey Legislature to amend Senate Committee Substitute for Senate Bills 1428 and 1540/Assembly Bill A1683 to impose the obligation and costs of printing, posting, maintaining and removing the Notice Signs upon the applicant for development and not upon the municipality and its taxpayers; and

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby directed to provide a certified copy of this resolution to the Legislators representing the Township of Marlboro, Senate President Richard J. Codey, Speaker Joseph J. Roberts, Jr., Assembly Majority Leader Bonnie Watson Coleman and Governor Jon Corzine with

a request that they assist in any way possible enact the  
aforementioned amendment.

The following Res. #2006-195 (Tabled 5/18, 6/1 - Authorizing  
Agreement - Bluh & Batelli) was tabled to the July 13<sup>th</sup>  
meeting.

After discussion, Res. #2006-196 (Tabled 5/18, 6/1 - Bond  
Reduction Rosemont Sections 3 & 4) was introduced by  
reference, offered by Councilman Pernice, seconded by Council  
President Morelli and defeated on a roll call vote of 2 - 3  
with Council Vice President, Councilman Rosenthal and  
Councilwoman Tragni voting no. (This resolution was later  
reintroduced as Res. #2006-253 and adopted.)

The following Res. #2006-232 (Authorizing NJDOT Grant  
Applications - Station and Brown Rd.) was introduced by  
reference, offered by Council President Morelli, seconded by  
Council Vice President Cantor and passed on a roll call vote  
of 5 - 0 in favor.

RESOLUTION # 2006-232

RESOLUTION AUTHORIZING A GRANT APPLICATION FOR THE NEW  
JERSEY DEPARTMENT OF TRANSPORTATION  
TO DEFRAY THE COST OF ROADWAY/SAFE STREETS IMPROVEMENTS

WHEREAS, the New Jersey Department of Transportation (the  
"State") provides loans and/or grants to local government entities  
and/or organizations to defray the cost of roadway/safe streets  
improvements; and

WHEREAS, the Township of Marlboro wishes to further the public  
interest by obtaining the following grants from the State through  
the Department of Transportation for such purposes; and

Station Road Improvements	\$200,000.00
Brown Road Improvements	\$200,000.00

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

1. That the Mayor is hereby authorized to execute and the  
Municipal Clerk to attest to any necessary documents, which shall be

in a form acceptable to the Township Attorney, which may be required in connection with the aforesaid grant application processes.

2. That the Township agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.

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

- a. Township Business Administrator
- b. Chief Financial Officer
- c. Township Engineer
- d. Township Attorney

The following Res. #2006-233 (Liquor License Renewals - July 1, 2006 - June 30, 2007) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-233

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, 2006 through June 30, 2007.

- |    |  |                 |
|----|--|-----------------|
| 1. | Hituja Corp.<br>T/A Marlboro Buy Rite Liquors        | 1328 44 001 006 |
| 2. | T & C Restaurant Inc.<br>T/A Crown Palace            | 1328 33 005 006 |
| 3. | Gene and Lottie Janowski, Inc.<br>T/A Fireside Lodge | 1328 33 003 002 |
| 4. | I.R Restaurant Corp. (pocket license)                | 1328 33 007 004 |
| 5. | M. S. D. Enterprise, Inc.<br>T/A Martucci's Deli     | 1328 44 009 003 |
| 6. | Briad Restaurant Group, L.L.C.<br>T/A TGI Fridays    | 1328 33 017 002 |
| 7. | Worthwhile, Inc.<br>T/A Cambridge Spirits Unlimited  | 1328 44 016 002 |
| 8. | Bella Vista Country Club                             | 1328 33 004 004 |
| 9. | JRJ Hospitality Inc.                                 | 1328 33 015 011 |

T/A Nonna's

- |  |                 |
|--|-----------------|
| 10. A.J.R. Restaurant Group<br>T/A Damon's Grill | 1328 33 018 001 |
| 11. Morganville Vol. Fire Co. No. 1              | 1328 31 013 001 |
| 12. Morganville Ind. Vol. Fire Co. Inc.          | 1328 31 012 001 |
| 13. B.T.A., LLC<br>T/A Pinos                     | 1328 33 008 005 |
| 14. 476 Route 520 Corp.<br>T/A SamVera           | 1328 33 002 012 |

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 Res. #2006-234 (Authorizing Contract - Birdsall - Natural Resources Inventory Grant) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-234

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE NATURAL RESOURCE INVENTORY GRANT

WHEREAS, the Township of Marlboro is in need of professional services in connection with the Natural Resource Inventory Grant; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal dated January 5, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$5,000.00; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that

Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; 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 execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from 6-01-337-286 (\$2,500) and G-02-41-755-399 (\$2,500).

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

- a. Birdsall Engineering, Inc.  
611 Industrial Way West  
Eatontown, NJ 07724-2213
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-235 (Amending Contract - Scarinci &

Hollenbeck - Labor Counsel) was introduced by reference, offered by Councilman Rosenthal, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-235

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE  
CONTRACT FOR SPECIAL COUNSEL SERVICES BETWEEN THE  
TOWNSHIP OF MARLBORO AND MATTHEW GIACOBBE, ESQ.  
OF SCARINCI AND HOLLENBECK, LLC

WHEREAS, by Resolution #2006-32, the Township Council authorized a professional services contract for the 2006 calendar year between the Township of Marlboro and Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC to provide legal services to the Township of Marlboro on labor matters for an amount not to exceed \$25,000.00 (the "Contract"); and

WHEREAS, the Township Council now desires to amend the Contract to authorize Mr. Giacobbe to also provide legal services on such other matters as requested by the Director of the Department of Law and to increase the total amount of the Contract from \$25,000.00 to \$70,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Director of the Department of Law be and hereby is authorized to execute an amendment to the Contract authorizing Mr. Giacobbe of Scarinci and Hollenbeck, LLC, in addition to providing legal services to the Township of Marlboro on labor matters, to also provide legal services on such other matters as requested by the Director of the Department of Law and increasing the total amount of the Contract from \$25,000.00 to 70,000.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this amendment to the Contract, which is attached hereto, and that sufficient funds are available for said amendment to the Contract from Account Number 6-01-050-283; and

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

- a. Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer

d. Gluck Walrath, LLP

The following Res. #2006-236 (Authorizing 2007 "One-time Only" Municipal Alliance Grant) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-236

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP ALLIANCE TO  
PREVENT ALCOHOLISM AND DRUG ABUSE TO APPLY FOR THE  
2007 "ONE TIME ONLY" GRANT

WHEREAS, the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse provides a wide range of educational services to the residents of Marlboro Township for the prevention of alcohol and drug abuse; and

WHEREAS, the Alliance to Prevent Alcoholism and Drug Abuse requires funding from the Monmouth County Board of Alcohol and Drug Abuse Services in order to continue to provide these services to the residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that the appropriate municipal officials be and are hereby authorized to apply for and execute the agreement for the 2007 "One Time Only Grant" for Funds and Services in an amount not to exceed \$2,000.00 on behalf of the Alliance to Prevent Alcoholism and Drug Abuse for the purpose of obtaining funding for the provision of programs for the prevention of and education regarding alcohol and drug abuse, a copy of which is on file in the Township Clerk's office and available for public inspection; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward executed copies of the Agreement to the Monmouth County Board of Alcohol and Drug Abuse Services.

The following Res. #2006-237 (Authorizing Contract - Appraisal - B. 160, L. 8 - Martin Appraisal Assoc.) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-237

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN MARTIN APPRAISAL ASSOCIATES, INC. AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES FOR BLOCK 160, LOT 8 IN CONNECTION WITH GREEN ACRES

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 160, Lot 8 in connection with Green Acres; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Martin Appraisal Associates, Inc. has submitted the attached proposal dated June 8, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$2,800.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Martin Appraisal Associates, Inc. to provide the required professional services in accordance with the Proposal; 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 execute a contract, in a form legally acceptable to the Township Attorney, between Martin Appraisal Associates, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is

attached hereto, and that sufficient funds are available for said contact from Account Number X-04-55-946-901.

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

- a. Martin Appraisal Associates, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-238 (Authorizing Contract - Appraisal - B. 160, L. 8 - Bettina Durmaskin Sholk) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-238

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BETINA DURMASKIN SHOLK AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES FOR BLOCK 160, LOT 8 IN CONNECTION WITH GREEN ACRES

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 160, Lot 8 in connection with Green Acres; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Bettina Durmaskin Sholk has submitted the attached proposal dated June 9, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$3,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Bettina Durmaskin Sholk to provide the required professional services in accordance with the Proposal; 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 execute a contract, in a form legally acceptable to the Township Attorney, between Bettina Durmaskin Sholk and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number X-04-55-946-901.

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

- a. Bettina Durmaskin Sholk
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-239 (Supporting Legislation - Gang Deterrence) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-239

RESOLUTION IN SUPPORT OF GANG DETERRENCE PACKAGE

WHEREAS, a recent survey by the State Police estimates there are 700 gangs with 17,000 members within the State of New Jersey; and

WHEREAS, gang violence and gun activities are a growing concern that pose a threat to public safety in our urban, suburban and rural municipalities; and

WHEREAS, Mayors from across the State have urged legislative action to address youth gang related violence through the comprehensive approach of prevention and policing; and

WHEREAS, a 17 bill package, unveiled as "Fighting Gangs, Protecting Our Youth" will provide municipalities, schools and law enforcement with new tools to mitigate gang violence; and

WHEREAS, the League of Municipalities through its Gang Prevention and Youth Violence Task Force, is thoroughly engaged in this effort and expressed support of the package as an encouraging demonstration of determined action to support local efforts; and

WHEREAS, the 17 bill package was released by the General Assembly and presently awaits Senate committee consideration; and

NOW, THEREFORE BE IT RESOLVED, that the Township of Marlboro does fully support the "Fighting Gangs, Protecting Our Youth" package as the first significant step at curbing gang violence; and

BE IT FURTHER RESOLVED, that the Township of Marlboro respectfully urges the New Jersey Senate to expeditiously pass this 17 bill package and forward it to the Executive Branch for action; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to your Senate Representative and to the New Jersey League of Municipalities.

The following Res. #2006-240 (Supporting Clean Ocean Zone) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2006-240

#### STATEMENT OF SUPPORT FOR THE CLEAN OCEAN ZONE

WHEREAS, the New York/New Jersey Bight is defined as the waters from Montauk Point, New York, to Cape May, New Jersey, offshore to the outer edge of the Continental Shelf (out to 100 miles), and consists of over 19,000 square miles of Atlantic Ocean; and

WHEREAS, the physical, hydrodynamic, and biological characteristics of the NY/NJ Bight are unique in the world as more than 300 species of fish, nearly 350 species of birds, 7 species of

sea turtles, and many marine mammals such as 10 species of whales and several species of seals and porpoises frequent this region. The NY/NJ Bight also serves as an essential migratory pathway for these species; and

WHEREAS, this ecological richness depends on protecting the quality of the environment; and

WHEREAS, the NY/NJ Bight also sustains the economy of the region through its bounty of natural resources and intrinsic values for millions of people through tourism, as well as being host to the nation's largest east coast global port and its thousands of related industries; and

WHEREAS, recreational and commercial fisheries provide enormous economic benefits both in food production and recreational activities, the continued use of these renewable natural resources in accordance with existing laws must be supported and enhanced; and

WHEREAS, our waters were known as the "Ocean Dumping Capitol of the World" due to eight ocean dumpsites, including an area called the "dead sea" (a 20-mile area created by excessive sewage and toxic muck dumping); had beaches littered with garbage, medical waste, and sludge balls; and suffered from water quality so poor that it was unsafe for swimming. These activities all caused an ecological and economic crisis; and

WHEREAS, organizations, businesses, and citizens rallying to defend these precious resources and working to improve and protect the waters of the NY/NJ Bight, resulted in an end to ocean dumping and dramatically improved water quality, proving that citizens can make a difference to assure their quality of life; and

WHEREAS, the NY/NJ Bight is downstream of, and receives pollution from, the most densely populated, industrialized, and urbanized area in the country which spews millions of gallons of contaminated wastewater and toxic sediments into the ecosystem each year and threatens the vast ecological richness of the Bight, and public health through beach closures and fish consumption advisories; and

WHEREAS, currently, the NY/NJ Bight continues to be vulnerable to sources of pollution and threats to habitat on a permit-by-permit basis, which is often risky, unproductive, and not sustainable. These destructive activities undermine the ecological and economic potentialities to sustain living marine resources in the NY/NJ Bight and must be prohibited; and

WHEREAS, current laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources from polluting and habitat destructive activities, elected officials must strive harder to protect the NY/NJ Bight; and

WHEREAS, it is time to lock-in the tremendous path of progress which has led to far-reaching improvements in our ocean water quality and lock-out environmentally harmful activities, thereby ensuring the continued protection of the ocean today and for future generations; and

WHEREAS, a logical and essential next step is to use federal and state regulatory and legislative opportunities to designate the NY/NJ Bight as the "Clean Ocean Zone (COZ)," which will:

REDUCE POLLUTION:

1. Prohibit new ocean dumpsites.
2. Mandate capping of the Historic Area Remediation Site (HARS) -- formerly the Mud Dump Site -- with "clean material." "Clean material" is defined as being as clean as the sediments found on the ocean floor outside HARS and that protects against adverse ecological effects. Ensure implementation of environmentally sound alternatives for managing dredged material to help keep harbor channels safe for navigation.
3. Prohibit new point sources of pollution and increases of discharge capacity (e.g., wastewater discharge outfalls, industrial discharges). Encourage environmentally protective beneficial reuse of wastewater.
4. Reduce pollution from stormwater and sediments.

PROTECT MARINE ECOSYSTEMS:

5. Prohibit the permanent extraction (e.g. strip-mining) of natural non-renewable resources, including sand and gravel.
6. Prohibit industrial and non-renewable energy facilities and infrastructure, including oil and gas exploration and development.
7. Require the development of responsible regulations for renewable energy sources.

SUPPORT MARINE RESOURCES:

8. Support recreational and commercial fishing by acknowledging that federal and state laws for fisheries exist. Prohibit the COZ legislation from being used to adopt or enact fisheries management actions. The COZ

legislation shall not be used to restrict or limit recreational or commercial fishing.

9. Support federal and state approved artificial reefs, and allow underwater research and exploration, but not projects that will adversely affect the ecosystem.
10. Support, celebrate, and sustain maritime activities that depend on a healthy and clean ocean such as: boating, underwater diving, fishing, surfing, swimming, and the enjoyment of the sea. The COZ legislation will not be used to restrict or limit these activities.

THEREFORE, BE IT RESOLVED that, on this date, June 15, 2006, the Township of Marlboro hereby supports the Clean Ocean Zone that would permanently protect the waters of the New York/New Jersey Bight from the aforementioned polluting and habitat-destructive activities, thereby safeguarding the waters in this region for present and future generations.

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

- a. Clean Ocean Zone, c/o Clean Ocean Action,  
PO Box 505, Sandy Hook, New Jersey 07732
- b. Township Business Administrator

The following Res. #2006-241 (Setting Special Meeting - June 20, 2006 - 8PM - Capital Budget Discussion) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-241

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on June 20, 2006 at 8:00 PM at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N. J. 07746. The purpose of these special meetings is to discuss the capital budget. Citizen's Voice will be limited to 15 minutes. It is anticipated action may be taken on a resolution to renew any outstanding liquor licenses and any additional matters as may become necessary.

The following Res. #2006-242 (Authorizing Issuance of Estimated Tax Bills) was introduced by reference, offered by

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

RESOLUTION # 2006-242

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72

WHEREAS, the Township of Marlboro adopted the 2006 budget on June 1, 2006 and Monmouth County Board of Taxation is unable to certify the rates throughout Monmouth County and the Marlboro Township Tax Collector will be unable to mail the Township's 2006 tax bills on a timely basis; and

WHEREAS, the Marlboro Township Tax Collector in consultation with the Marlboro Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

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

1. The Marlboro Township Tax Collector is hereby authorized to prepare and issue estimated tax bills for the Township for the third installment of 2006 taxes should the conditions warrant. The Tax Collector shall proceed and take such actions as are permitted and required by P.L.1994, c.72 (N.J.S.A. 54: 4-66.2 and 54: 4-66.3).
2. The entire estimated tax levy for 2006 is hereby set at \$126,452,336.40.
3. In accordance with law the third installment of 2006 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

4. In the event that the tax rate should be certified permitting sufficient time to issue the annual bill, this authorization shall be null and void.

The following Res. #2006-243 (Authorizing Grant Application NJDEP - Deep Run) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-243

RESOLUTION AUTHORIZING A GRANT APPLICATION TO BE FILED  
WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION (NJDEP) FOR THE DEVELOPMENT OF A WATERSHED RESTORATION  
AND PROTECTION PLAN FOR THE DEEP RUN WATERSHED

WHEREAS, the Township of Marlboro has a commitment to improving water quality conditions in the Deep Run watershed; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) offers grants for development of comprehensive plans for restoration and protection for watershed areas;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes an application be filed with the New Jersey Department of Environmental Protection (NJDEP) for available grants for the development of comprehensive plan for restoration and protection for the Deep Run watershed.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor: Res. # 2006-244 (Reject and Rebid - Janitorial Services), Res. #2006-245 (Authorization to Bid - Masonry Contract and Construction Police Bldg.), Res. #2006-246 (Authorizing Amendment to PSAP Grant), Res. #2006-247 (Redemption Tax Sale Certs. - Various), Res. #2006-248 (Refunds for Overpayments - Various) and Res. #2006-249 (Refunds to WMUA - Various), Res. #2006-250 (Disabled Person Deduction - B. 253, L. 3) and Res. #2006-251 (Senior Citizen Deductions - Various).

RESOLUTION # 2006-244

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

Janitorial Service

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

BE IT FURTHER RESOLVED that the Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Janitorial Service

as required by law.

RESOLUTION # 2006-245

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

Masonry Contract

Construction Police Bldg.

RESOLUTION # 2006-246

RESOLUTION AUTHORIZING AN AMENDMENT TO GRANT  
APPLICATIONS STATE OF NEW JERSEY  
OFFICE OF INFORMATION TECHNOLOGY

WHEREAS, the Township of Marlboro Police Department desires to apply for two (2)PSAP (Public Safety Answering Point) (911) grants for equipment and maintenance in the amounts of \$285,894.09 and \$35,534.00,

BE IT THEREFORE RESOLVED, that the Township Council of the Township of Marlboro does hereby authorize the application for such funds; and upon receipt of the funding agreements from the State of New Jersey, does further authorize the execution of the funding agreements; and also upon receipt of the fully executed agreements

from the State does further authorize the expenditure of funds pursuant to the terms of the agreements between the Township of Marlboro and the State of New Jersey.

BE IT FURTHER RESOLVED, that the Marlboro Township Police PSAP has a minimum of two fully equipped call-taker positions consisting of two certifies call-takers/dispatchers dedicated to PSAP operations at all times.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreements and any other documents necessary in connection therewith and act as representatives of the aforementioned organization.

- a. Office of Information Technology
- b. Township or Marlboro Mayor
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Police Department (Chief and/or Captain)

RESOLUTION # 2006-247

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$71,348.13 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 \$71,348.13 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>
06-5	132/51	Wachovia-Cust/SASS Muni V dtr	\$56,628.50
187-A	Beacon Hill Rd.	123 S. Broad St., PA 1328S Tax Lien Services Group Philadelphia, PA 19109	

06-14	294/4	Crusader Servicing Corp.	13,679.96
Route 9		179 Washington Lane	
		Jenkintown, PA 19046	
06-21	119.01/12	Lillian Y. Zhang	403.00
52 Petra Drive		11 Walnut Street	
		Livingston, NJ 07039	
06-27	173/7 C0036	Lillian Y. Zhang	636.67
36 Portland Place		11 Walnut Street	
		Livingston, NJ 07039	
TOTAL:			<u>\$71,348.13</u>

RESOLUTION # 2006-248

WHEREAS, the attached list in the amount of \$4,635.04 known as Schedule "A", is comprised of amounts representing overpayments for 2006 taxes,

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

<u>SCHEDULE "A"</u>			
<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
180	83.34	Gary W. Mascitis, Jr.	\$ 521.09
155 Deerfield Road		155 Deerfield Road	
		Morganville, NJ 07751	
193.13	10	First Horizon Home Loans	1,913.44
238 Everton Blvd.		c/o Total Mortgage Solutions	
		Attn: Refund Department	
		1555 Walnut Hill Lane	
		Suite 200A	
		Irving, TX 75038	
		Re: Frank & Rosalba Romito	
369	3.01	Rao Gourkanti	1,138.70
2 Jewel Court		2 Jewel Court	
		Marlboro, NJ 07746	



NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

RESOLUTION # 2006-251

WHEREAS, Senior Citizen deductions totaling \$750.00 have been granted as per the attached Schedule "A" for the year 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
274	19	Joseph Myles 13 Guest Drive Morganville, NJ 07751	\$250.00
299	41	Melonie A. Ghans 30 Marc Drive Englishtown, NJ 07726	250.00
412	307 C0036	Rita Klaskin 36 Thrasher Court Marlboro, NJ 07746	250.00
TOTAL:			<u>\$ 750.00</u>

After discussion, the following Res. #2006-253 (Tabled 5/18, 6/1 - Bond Reduction Rosemont Sections 3 & 4) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 3 - 2 with Council Vice President Cantor and Councilwoman Tragni voting no.

RESOLUTION # 2006-253

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BONDS AND LETTER OF CREDITS FOR ROSEMONT ESTATES SECTIONS 3 & 4

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received requests from Rosemont Estates II, LLC and Rosemont Estates, LLC for the reduction of the Performance Bonds and Letter of Credits being held by the Township for Rosemont Estates Sections 3 & 4; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Township Engineer dated March 13, 2006 and March 16, 2006 (the "Engineer's Reports"), copies of which are attached hereto and made a part hereof; and

WHEREAS, the Engineer's Reports recommend a partial reduction in the current Performance Bonds and Letter of Credits being held by the Township, subject to the receipt of as-built drawings reflecting all improvements installed in both sections to date and the payment of all fees as required by the Developer's Agreements; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bonds and Letters of Credit.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bonds and Letters of Credit for Rosemont Estates Section 3 and 4 shall be reduced as follows:

Section 3:

The Performance Bond in the original amount of \$1,396,235.38 shall be reduced by \$797,628.51, so that the amount to remain shall be \$598,606.87; and

The Letter of Credit in the original amount of \$155,137.26 shall be reduced by \$88,625.39, so that the amount to remain shall be \$66,511.87; and

Section 4:

The Performance Bond in the original amount of \$526,431.37 shall be reduced by \$194,654.30, so that the amount to remain shall be \$331,777.07; and

The Letter of Credit in the original amount of \$58,492.37 shall be reduced by \$21,628.25, so that the amount to remain shall be \$36,864.12; and

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

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

- a. Rosemont Estates II, LLC
- b. Rosemont Estates, LLC
- c. International Fidelity
- d. Sovereign Bank
- e. Township Engineer
- f. Chief Financial Officer
- g. Gluck Walrath LLP

At 11:05PM, Council President Morelli moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session reconvened at 11:15 PM.

RESOLUTION # 2006-252

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day of June, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:45PM, Councilman Pernice moved that the meeting be opened. This was seconded by Council President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:46PM, Councilman Pernice moved that the meeting be adjourned. This was seconded by Council President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: July 13, 2006

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Tragni

NAYS: 0

ABSENT: Cantor

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ALIDA DE GAETA  
MUNICIPAL CLERK

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PATRICIA MORELLI  
COUNCIL PRESIDENT