

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JUNE 24, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on June 24, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

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

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

The Clerk called the Roll.

Public Information Report - Public Information Susan Levine spoke about the following: the opening of the Aquatic Center, Recreation Concert in the Parks series at the Community Center, leaf & brush pickup schedule for the summer, Marlboro Police Department tracking project lifesaver, and the Marlboro Public Library summer programs. She also announced that the Marlboro Municipal Complex will be closed Monday, July 5<sup>th</sup> in observance of Independence Day.

Council Vice President Denkensohn moved that the minutes of May 13 & May 27, 2004 be approved. This motion was seconded by Councilman Pernice and the minutes were passed on a roll call vote of 4 - 0 (Absent: Morelli).

Council President Mione opened the Public Hearing on the Community Development Program Project. As there was no one who wished to speak, the public hearing was closed. Superintendent of Public Works Robert DiMarco and Building and Grounds Supervisor Robert Miller explained the project. There was a brief discussion between Council, Administration and the legal department. Consensus of Council was to proceed with the project.

Council President Mione opened the Public Hearing on Ordinance # 2004-10 (Creating Agriculture Advisory Committee). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2004-193/Ord. #2004-10 (Creating Agriculture Advisory Committee) was introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Morelli).

RESOLUTION # 2004-193

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

ORDINANCE # 2004-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 98 "OPEN SPACE, FARMLAND AND HISTORIC SITES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE A NEW ARTICLE ENTITLED ARTICLE III "AGRICULTURE ADVISORY COMMITTEE"

which was introduced on May 27, 2004, public hearing held June 24, 2004, be adopted on second and final reading this 24<sup>th</sup> day of June, 2004.

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

Council President Mione opened the Public Hearing on Ordinance # 2004-11 (Creating Dept. of Public Works). As there was no one who wished to speak, the Public Hearing

was closed. The following Resolution # 2004-194/Ord. #2004-11 (Creating Dept. of Public Work) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Morelli).

RESOLUTION # 2004-194

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

ORDINANCE # 2004-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REMOVE THE DIVISION OF PUBLIC WORKS FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND ESTABLISH A NEW DEPARTMENT OF PUBLIC WORKS

which was introduced on May 27, 2004, public hearing held June 24, 2004, be adopted on second and final reading this 24<sup>th</sup> day of June, 2004.

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

The following Resolution # 2004-195/Ord. # 2004-12 (Amending Chapter 84 - Time Limits for Building Permits) was introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-195

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

ORDINANCE # 2004-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE VII "SUBDIVISIONS: DEVELOPMENT REVIEW PROCEDURES AND PLAT DETAILS, SECTION 84-91 "SUBMISSION OF SKETCH PLAT, MINOR SUBDIVISION PLAT OR MINOR SITE PLAN", SECTION 84-92 "SUBMISSION OF PRELIMINARY PLAT" AND SECTION 84-93

"SUBMISSION OF FINAL MAJOR SUBDIVISION  
PLAT OR MAJOR SITE PLAN PLAT"

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 July 22, 2004\* at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

\*Original date of July 15, 2004 was changed to July 22, 2004 by Res. #2004-224, adopted on June 29, 2004.

ORDINANCE # 2004-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND  
USE DEVELOPMENT AND REGULATIONS", ARTICLE VII  
"SUBDIVISIONS: DEVELOPMENT REVIEW PROCEDURES AND PLAT  
DETAILS, SECTION 84-91 "SUBMISSION OF SKETCH PLAT, MINOR  
SUBDIVISION PLAT OR MINOR SITE PLAN", SECTION 84-92  
"SUBMISSION OF PRELIMINARY PLAT" AND SECTION 84-93  
"SUBMISSION OF FINAL MAJOR SUBDIVISION PLAT OR MAJOR SITE  
PLAN PLAT"

WHEREAS, neither the Municipal Law Use Law, N.J.S.A. 40:55D-1, *et seq.*, nor Chapter 84 "Land Use Development Regulations" of the Code of the Township of Marlboro set an expiration date for the approvals of minor subdivision plats and site plans or preliminary and final approvals of major subdivision plats and site plan plats; and

WHEREAS, to the detriment of the Township of Marlboro and its residents, the perpetual life of these approvals has allowed certain developers to begin developing their properties many years after obtaining the required approvals; and

WHEREAS, in order to prevent this from occurring in the future, the Mayor and the Township Council believe it is in the best interest of the residents of the Township of Marlboro to amend Chapter 84, "Land Use Development Regulations" of the Code of the Township of Marlboro to set an expiration date for the approvals of minor subdivision plats and site plans and preliminary and final approvals of major subdivision plats and site plan plats.

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 84 "Land Use Development and Regulations," Article VII "Subdivisions: Development Review Procedures and Plat Details", Section 84-91 "Submission of sketch plan, minor subdivision plat or minor site plan", Section 84-92 "Submission of preliminary plat" and Section 84-93 "Submission of final major subdivision plat or major site plan plat" of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 84-91 Submission of sketch plat, minor subdivision plat or minor site plan.

The first sentence of Subsection B(4)(a)[4] of Section 84-91 is hereby amended and supplemented to read in its entirety as follows:

"[4] The Planning Board shall grant an extension of the two-year period of protection for a minor subdivision approval established by Subsection B(4)(a)[2] above for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals."

Subsection B(4)(a) of Section 84-91 shall be amended and supplemented to include the following as B(4)(a)[5]:

"[5] All minor subdivision approvals shall expire at the end of the two-year period of protection established by Subsection B(4)(a)[2] above, plus any extension granted pursuant to Subsection B(4)(a)[4] above."

Subsection B(4)(b) of Section 84-91 shall be amended and supplemented to include the following as the last sentence of that subsection:

"All minor site plan approvals shall expire at the end of the two-year period of protection established by this subsection, plus any extension granted pursuant to this subsection."

§ 84-92 Subdivisions: Development Review Procedures and Plat Details.

Subsection B(11) of Section 84-92 shall be replaced in its entirety with the following:

"(11) Preliminary approval shall, except as provided in Subsection B(12) below, confer upon the applicant the following rights:

(a) That the general terms and conditions on which preliminary approval was granted shall not be changed for a period of three years from the date on which the resolution of preliminary approval is adopted, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and any requirements peculiar to the site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

(b) That the applicant may apply for and the Planning Board may grant extensions of the three-year period of protection established by Subsection B(11)(a) above for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern. The applicant may apply for such an extension either before or after what would otherwise be the expiration date of the

period of protection. If the period of protection expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date of the period of protection.

(c) That the applicant may apply for and the Planning Board shall grant an extension of the three-year period of protection established by Subsection B(11)(a) above for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for such an extension before what would otherwise be the expiration date of the period of protection established by Subsection B(11)(a) above or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

(d) That the applicant may submit for final approval, on or before the expiration date of the preliminary approval (as established by Subsection B(13) below), the whole or a section or sections of the preliminary plat."

Subsection B(12) of Section 84-92 shall be replaced in its entirety with the following:

"(12) In the case of a subdivision of or site plan for an area of 50 acres or more, the Planning Board may grant the rights referred to in Subsections B(11)(a) and (d) above for such period of time, longer than three years, as shall be determined by the Planning Board to be

reasonable taking into consideration (i) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (ii) economic conditions, and (iii) the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension of the period of protection granted to the applicant for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration those same factors. The applicant may apply for said extension either before or after what would otherwise be the expiration date of the period of protection. If the period of protection expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date of the period of protection. Additionally, the applicant may apply for and the Planning Board shall grant an extension of the period of protection granted to the applicant in accordance with Subsection B(11)(c) above."

Subsection B(13) of Section 84-92 shall be replaced in its entirety with the following:

"(13) All preliminary approvals shall expire at the end of the protection period set forth in Subsection B(11)(a) above or otherwise granted to the applicant pursuant to Subsection B(12) above, plus any extension thereof granted pursuant to Subsections B(11)(b), B(11)(c) or B(12)."

Subsection B(15) of Section 84-92 is recodified as Subsection B(14) of Section 84-92.

§ 84-93 Submission of final major subdivision plat or major site plan plat.

Subsection A(1), (2) and (3) of Section 84-93 shall be recodified as Subsection A(2), (3) and (4), respectively.

The new Subsection A(1) of Section 84-93 shall read as follows:

"(1) No application for final major subdivision or major site plan plat approval shall be accepted unless it is submitted on or before the expiration date of the preliminary approval as established by Section 84-92B(13).

Subsection B of Section 84-93 shall be amended and supplemented to include the following as Subsection B(11):

"(11) Final approval of a major subdivision or major site plan plat shall expire at the end of the protection period set forth in Subsection B(4) above or otherwise granted to the applicant pursuant to Subsection B(5) above, plus any extension thereof granted pursuant to Subsections B(4), B(5) or B(7)."

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

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

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

The following Resolution # 2004-196/Ord. # 2004-13 (Amending Chapter 84 - Public Hearing and Notice Requirements) was introduced as amended by reference, offered by Council President Mione and seconded by Councilman Burrows. Discussion followed, during which Councilman Burrows suggested an amendment. Council agreed, and after discussion, Res. #2004-196/Ord. #2004-13 as amended was passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-196

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

ORDINANCE # 2004-13 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE II "LAND USE PROCEDURE", SECTION 84-11 "PUBLIC HEARINGS AND NOTICES" OF THE CODE OF 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 July 22, 2004\* at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

\*Original date of July 15, 2004 was changed to July 22, 2004 by Res. #2004-224, adopted on June 29, 2004.

ORDINANCE # 2004-13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE II "LAND USE PROCEDURES", SECTION 84-11 "PUBLIC HEARINGS AND NOTICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, by Ordinance #2004-4, Chapter 84 "Land Use Development Regulations" of the Code of the Township of Marlboro was amended to require the posting of a Notice Sign on a property which is the subject of an application for development and to require that public notice be given to all owners of real property located within 300 feet in all directions of the property which is the subject of the hearing; and

WHEREAS, since the adoption of that ordinance, the Township of Marlboro Zoning Board of Adjustment has expressed concerns regarding the burden that the new notice requirements impose upon residents seeking variances related to fences, pools, decks and other similar types of applications for development; and

WHEREAS, after reviewing and considering the issue, the Mayor and the Township Council believe it is in the best interest of the residents of the Township of Marlboro to revise Chapter 84 "Land Use Development Regulations" to require that a Notice Sign be posted only for applications for development seeking preliminary or final approval of a major site plan or preliminary approval of a major subdivision; and

WHEREAS, the Mayor and the Township Council desire to clarify what information may not be included on the Notice Sign; and

WHEREAS, the Mayor and the Township Council also desire to clarify that the 300 feet public notice requirement is not considered to be jurisdictional.

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 84 "Land Use Development and Regulations," Article II "Land Use Procedures," Section 84-11 "Public Hearings and Notices" of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 84-11 Public hearings and notices.

Subsection A of Section 84-11 shall be amended and supplemented to read as follows:

"A. Notice required; exceptions.

(1) Public notice (other than the posting of a Notice Sign) of a hearing on an application for development shall be given except for:

(a) Minor site plan review;

(b) Minor subdivisions; and

(c) Final approval of a subdivision, provided that this section shall not foreclose the right of the governing body to provide by ordinance that public notice must be given for such categories of site plan review as it may specify, and further provided that public notice shall be given

in the event that any type of variance relief is requested pursuant to the zoning regulations or subdivision regulations of this chapter.

(2) Only those applicants seeking preliminary or final approval of a major site plan or preliminary approval of a major subdivision are required to post a Notice Sign."

Subsection B of 84-11 shall be amended and supplemented to include the following as (5):

"(5) Section 84-11B(5) is amended to read as follows (amendments shown as underlined below):

"All public notices (other than Notice Signs) shall state the date, time and place of the public hearing, the nature of the all the matters to be considered and an identification of the property proposed for development by street address, if any or by reference to lot and block numbers and the location and times at which any maps and documents are available for public inspection. Notice Signs required to be erected on the property which is subject of the application for development shall state the name of the applicant, the name of the public body from which the applicant is seeking approval, the phone number of the public body where a person may seek information as to the date and time of the public hearing on the application and a statement that this number may be called to obtain such information, a brief description of the nature of the approval sought including the number of proposed dwelling units, the type of units, e.g., single family homes, town homes, garden apartments, and in the case of non-residential uses, the nature of the proposed construction, e.g., warehouses, commercial use and the proposed square footage of the construction."

The Notice Sign shall not refer to any name of a planned development or that such development is "coming soon", "future site of" or any other language that a reasonable person may construe as

the development having been approved prior to the applicant's receipt of an approval resolution either from the Planning Board or the Zoning Board of Adjustment. The Notice Sign shall not contain any other information except as authorized herein."

Subsection C of 84-11 shall be amended and supplemented to include the following as (8):

"(8) The 300 feet notice requirements set forth in this Section 84-11 shall not be considered jurisdictional."

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

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

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

The following Resolution # 2004-197/Ord. # 2004-14 (Amending Section 84-47.1 - Mobile Home Park Dist.) was introduced by reference, offered by Councilman Burrows, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-197

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

ORDINANCE # 2004-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III "ZONING: STANDARDS AND REGULATIONS", SECTION 84-47.1

"MHD-II MOBILE HOME PARK DISTRICT" OF THE CODE OF 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 July 22, 2004\* at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

\*Original date of July 15, 2004 was changed to July 22, 2004 by Res. #2004-224, adopted on June 29, 2004.

ORDINANCE # 2004-14

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 84 "LAND USE DEVELOPMENT AND  
REGULATIONS", ARTICLE III "ZONING:  
STANDARDS AND REGULATIONS", SECTION 84-  
47.1 "MHD-II MOBILE HOME PARK DISTRICT"  
OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro first sought substantive certification of its Affordable Housing Plan Element and Fair Share Plan from the Council on Affordable Housing ("COAH") on March 23, 1995; and

WHEREAS, on August 21, 1998, the Township of Marlboro repeticioned COAH for substantive certification with an Amended Housing Plan Element and Fair Share Plan (the "Amended Plan"); and

WHEREAS, the Amended Plan included a proposal to develop a 13.9-acre tract (Block 147, Lots 5 & 6) located in the northwestern portion of the Township of Marlboro (the "Site") as a mobile home park; and

WHEREAS, on April 30, 1992, the Site was rezoned from a Trailer Park District (TPD-I) to a Mobile Home District II (MHD-II); and

WHEREAS, in response to the submission of the Amended Plan, COAH issued a March 18, 1999 Premediation Report, whereby COAH requested additional information from the

Township of Marlboro regarding various aspects of the Amended Plan; and

WHEREAS, COAH specifically requested that the Township of Marlboro provide COAH with a draft of the overlay zoning for the Site; and

WHEREAS, as part of the final steps in obtaining substantive certification of its Amended Plan, the Township Council desires to amend Chapter 84 "Land Use Development and Regulations", Article III "Zoning Standards and Regulations", Section 84-47.1 "MHD-II Mobile Home Park District" of the Code of the Township of Marlboro to provide for the necessary overlay zoning for the Site as requested by COAH.

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 84 "Land Use Development and Regulations", Article III "Zoning Standards and Regulations", Section 84-47.1 "MHD-II Mobile Home Park District" of the Code of the Township of Marlboro is hereby amended and supplemented as follows:

§ 84-47. MHD Mobile Home Park District. [Amended 4-30-1992 by Ord. No. 7-92]

The following regulations shall apply in the MHD Mobile Home Park District:

- A. Permitted uses.
  - (1) Trailers and mobile homes as defined under § 84-4B.
  - (2) Service and accessory buildings, including an office-storage building for the sale of land, storage of maintenance equipment, conduct of general office functions in relation to operation of the park.
  
- B. Permitted accessory uses.
  - (1) Off-street parking in common parking areas.
  - (2) Sewage treatment plant or other utility service installations for the sole purpose of serving park residents and provided that such plant(s) and other installation(s) are- approved and supervised by appropriate county, state and federal rules, regulations and agencies.

C. Minimum land area. No mobile home park shall be developed on a site of less than 20 contiguous acres.

D. Minimum lot area: 4,000 square feet.

E. Maximum density: eight (8) mobile home units per acre.

F. Minimum front yard setback: 10 feet.

G. Minimum side yard setback: 15 feet.

H. Minimum setback from major streets, roadways and district property lines: 60 feet.

I. Minimum rear yard setback: 10 feet.

J. Off-street parking. For each trailer or mobile home, two off-street parking spaces shall be provided in the following manner:

- (1) No less than one off-street parking space per each individual trailer or mobile home lot.
- (2) The remaining required spaces shall be provided in common parking facilities to be conveniently located throughout the mobile home park. Such common facilities shall be located so that no trailer or mobile home is more than 250 feet from such a facility. Each common parking area shall be paved, drained and lighted in accordance with township standards. No more than 10 cars may be parked in any common parking area.

K. Buffer area. The margins along the side and rear property lines of the mobile home park shall be densely planted with trees and shrubs for a depth of not less than 60 feet.

L. Minimum open space required. Not less than 10% of the gross area of the park must be retained as open space or improved for recreational activity for the residents of the mobile home park. The common open space shall be dedicated or otherwise preserved and maintained so as to always remain open and available for use by the residents or as otherwise approved by the Planning Board, and that such open space will be preserved and maintained in perpetuity.

M. Site drainage requirements. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.

N. Soil and ground cover requirements.

- (1) Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material or protected with a lawn or other desirable vegetation growth that is capable of preventing soil erosion and emanation of dust during dry weather.
- (2) Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects or other pests harmful to man.

O. Water and waste disposal requirements.

- (1) Each mobile home park lot shall have attachments for waste disposal and water supply, and the water supply facilities shall be connected properly to an approved public sewer and water system (or other equivalent method of sewage disposal and water supply) installed properly and approved by the Township of Marlboro.
- (3) The storage, collection and disposal of refuse in the mobile home park shall not be so conducted as to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

P. Electrical system. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances installed and maintained in accordance with local electric power company's specifications regulating such systems. All electrical service within the park shall be installed underground with connections to each mobile home lot.

Q. Foundations.

- (1) Trailers and mobile homes shall be installed upon and securely fastened to a frost-free foundation or

footer, and in no event shall they be erected on jacks, loose blocks or other temporary materials.

- (2) An enclosure of compatible design and material shall be erected around the entire base of each trailer or mobile home. Such enclosure shall not be erected on jacks, loose blocks or other temporary materials.

R. Streets.

- (1) Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distances along sides of sight triangles, horizontal alignments, vertical alignments as well as maximum grades shall be in accordance with the subdivision regulations in this chapter.
- (2) All trailer and mobile home spaces shall abut upon a paved driveway of not less than 12 feet in width, which shall have unobstructed access to a private or public street. Such driveway may be used for the parking of an automobile.

S. Park areas for nonresidential uses.

- (1) No part of any park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- (2) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

§ 84-47.1. MHD-II Mobile Home Park District. [Amended 4-30-1992 by Ord. No. 7-92]

- A. There shall be included by reference in this section all language set forth in § 84-47A through S, inclusive, except that Subsection C shall be changed to no less than 10 contiguous acres. In addition, Subsection D shall be changed to a minimum lot area of 3,500 square feet. Further, Subsection E shall be changed to a maximum density of ten (10) mobile home units per acre.

B. Affirmative devices required shall be as set forth in § 84-48A through C, except that Subsection A(1) shall provide that a minimum of 75% of all units shall be affordable to moderate- and low-income households, as defined by the United States Department of Housing and Urban Development except that for non-United States Department of Housing and Urban Development projects, the minimum number of units that shall be affordable to moderate- and low-income households shall be 50%.  
[Amended 11-24-1992 by Ord. No. 40-92]

C. Each affordable mobile home park unit shall comply with the rules set forth by the Counsel on Affordable Housing (COAH) at N.J.A.C. 5:91, Procedural Rules, and N.J.A.C. 5:93, Substantive Rules, including:

1. Each affordable unit shall be marketed via an affirmative marketing program.
2. Each Mobile Home Park shall maintain designated pads for affordable units.
3. Each Mobile Home Park shall comply with Chapter 91 of the Marlboro Township Land Use Ordinance known as Mobile Home Communities Rent Control.
4. Occupants of affordable units must meet applicable income eligibility requirements. In addition, the principle, interest, taxes, insurance and pad fee may not exceed 28% of the occupant's gross income.
5. If the resident owns outright a mobile home, and therefore no debt service exists, the pad fee would be the determining factor for meeting income eligibility. In this case, the pad fee must not exceed 30% of the gross income of the occupants.

D. Approval of the New Jersey Department of Environmental Protection and/or the Monmouth County Department of Health shall be obtained, where required, prior to Planning Board approval of any application in the MHD-II District.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be

adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

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

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

The following Resolution # 2004-198/Ord. # 2004-15 (Fees for Certified Copies - Vital Statistics) was introduced by reference, offered by Council President Mione, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-198

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

ORDINANCE # 2004-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62  
"FEES," ARTICLE III "MUNICIPAL SERVICES,"  
SECTION 62-4 "FEES"

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 July 22, 2004\* at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

The following Resolution # 2004-199 (Award of Professional Service Contract - Design Services - ADA Compliance Brown Bldg.) was introduced by reference, offered by Councilman Burrows, seconded by Council President Mione and passed on

a roll call vote of 3 - 0 in favor (Absent: Morelli and Denkensohn).

RESOLUTION # 2004-199

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN BERKOWSKY AND ASSOCIATES, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ARCHITECTURAL SERVICES IN CONNECTION WITH THE REQUIRED UPGRADES TO THE BROWN HOUSE (ANNEX)

WHEREAS, the Township of Marlboro is in need of an architect to provide professional services in connection with the required upgrades to the Brown House (Annex) located at 1979 Township Drive; and

WHEREAS, Berkowsky and Associates, Inc. submitted a proposal dated May 27, 2004 (the "Proposal"), which is attached to and made a part hereof, to the Township of Marlboro to provide the aforementioned professional services for three thousand two hundred dollars (\$3,200.00); and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Berkowsky and Associates, Inc. to provide the aforementioned architectural services as outlined in 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 Berkowsky and Associates, Inc. and the Township of Marlboro for the provision of architectural services in connection

with the required upgrades to the Brown House (Annex) and in accordance with the terms, specifications and conditions of the Proposal; 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. Berkowsky and Associates, Inc.
- b. Acting Township Engineer
- c. Acting Business Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-200 (Award of State Contract - Rest Room Renovations - Mun. Bldg.) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 3 - 0 in favor (Absent: Denkensohn and Morelli).

RESOLUTION # 2004-200

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GOLDEN CROWN CONTRACTORS, INC. FOR THE PROVISION OF SERVICES AND MATERIALS IN CONNECTION WITH THE RENOVATION OF THE RESTROOM AT THE BROWN HOUSE (ANNEX)

WHEREAS, the Township of Marlboro Bureau of Public Buildings and Grounds contacted certain companies to request estimates for the provision of services and materials in connection with the renovation of the restroom at the Township Municipal Building (Annex); and

WHEREAS, Golden Crown Contractors, Inc. provided a proposal dated April 28, 2004 (the "Proposal"), which is attached hereto and made a part hereof, to the Township of Marlboro to provide the aforementioned services for \$10,098.00; and

WHEREAS, the lowest estimate for the provision of the aforementioned services and materials is less than

\$17,500.00, 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 Bureau of Public Buildings and Grounds have reviewed the estimate received and recommend that a contract be awarded to Golden Crown Contractors, Inc. for the provision of services and materials in connection with the renovation of the restroom at the Township Municipal Building (Annex); and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Golden Crown Contractors, Inc.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide services and materials in connection with the renovation of the restroom at the Township Municipal Building be and hereby is awarded to Golden Crown Contractors, 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 Golden Crown Contractors, Inc. in an amount not to exceed \$10,098.00 and in accordance with the terms and conditions of the Proposal; 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. Golden Crown Contractors, Inc.
- b. Supervisor of Buildings and Grounds
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-201 (Extension of Contract - Snow Removal) was introduced by reference, offered by Councilman Burrows, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-201

RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND AKC, INC. FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE 2004-2005 SNOW REMOVAL SEASON

WHEREAS, by Resolution #2003-319, the Township of Marlboro awarded a one-year contract to AKC, Inc. to provide snow removal services for the 2003-2004 snow removal season to the Township of Marlboro Division of Public Works; and

WHEREAS, pursuant to the authorization provided by Resolution #2003-319, the parties entered into a contract for the provision of said services (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the option to renew the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by AKC, Inc.; and

WHEREAS, Administration and the Township of Marlboro Division of Public Works have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by AKC, Inc.; and

WHEREAS, the Township of Marlboro Division of Public Works estimates that the cost of providing the aforementioned services for the 2004-2005 snow removal season, based upon the same rate paid to AKC, Inc. for the 2003-2004 snow removal season, will be \$118,195.20; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and AKC, Inc. for the provision of snow removal services for the 2004-2005 snow removal season upon the same terms and conditions specified in the bid proposal submitted by AKC, Inc. and authorized by Resolution #2003-319; and

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

- a. AKC, Inc.
- b. Township Administrator
- c. Superintendent of Public Works
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-202 (Award of State Contract - Police Vests) was introduced by reference, offered by Councilman Burrows, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-202

A RESOLUTION AUTHORIZING THE PURCHASE of  
TACTICAL VESTS FOR TOWNSHIP OF MARLBORO DIVISION  
OF POLICE EMERGENCY RESPONSE TEAM

WHEREAS, the Township of Marlboro Division of Police has recommended the purchase of 20 tactical vests for the Emergency Response Team;

WHEREAS, the Federal Vest Fund will pay \$16,373.20 to purchase these tactical vests;

WHEREAS, pursuant to State Contract A46908, one company provided an estimate to the Township:

1. Lanigan Associates of Tinton Falls, New Jersey in the amount of \$32,746.40; and

WHEREAS, the Township of Marlboro Division of Police has recommended that the remaining \$16,373.20 for the cost of the tactical vests come from a capital bond;

WHEREAS, the Township of Marlboro's cost for the purchase of the tactical vests is less than \$17,500.00, 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 Division of Police have reviewed the estimate received and recommend that a

contract be awarded to Lanigan Associates for the purchase of 20 tactical vests in an amount not to exceed \$16,373.20; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to purchase 20 tactical vests be and hereby is awarded to Lanigan Associates 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 Lanigan Associates for the purchase of 20 tactical vests in an amount not to exceed \$16,373.20 in accordance with the estimate submitted by Lanigan Associates; 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. Lanigan Associates
- b. Chief of Police, Robert C. Holmes
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-203 (Chapter 159 - Click it or Ticket) was introduced by reference, offered by Council President Mione, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-203

ITEM OF REVENUE IN THE BUDGET OF MUNICIPALITY  
PURSUANT TO N.J.S.A. 40A: 4-87 (Chapter 159, 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget

of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township of Marlboro has received a grant award for State of New Jersey - Department of Law and Public Safety, Division of Highway Traffic Safety - Click It or Ticket 2004 in the amount of \$5,000.00

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2004 budget in the amount of \$5,000.00 which item is now available as a revenue from:

Public & Private Revenues Offset with Appropriations:  
State of New Jersey - Department of Law and Public Safety  
Division of Highway Traffic Safety

Click It or Ticket 2004 \$5,000.00

SECTION 2:

BE IT FURTHER RESOLVED, that the amount of \$5,000.00 is hereby appropriated as:

Operations Excluded from "CAPS":  
State of New Jersey - Department of Law and Public Safety  
Division of Highway Traffic Safety

Click It or Ticket 2004 \$5,000.00

And,

BE IT FURTHER RESOLVED, that two certified copies be filed in the Office of the Director of the Division of Local Government Services.

The following Resolution # 2004-204 (Award of Contract - Uniform Cleaning Contract) was introduced by reference, offered by Council Vice President Denkensohn, seconded by

Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-204

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
TO FIRST CLASS CLEANERS FOR THE PROVISION OF DRY  
CLEANING SERVICES TO THE TOWNSHIP OF MARLBORO  
DIVISION OF POLICE

WHEREAS, the Township of Marlboro Division of Police contacted certain companies to request estimates to provide dry cleaning services for police uniforms and clothing for a period of one year and based upon an assumption of between 880 and 1,000 pieces of clothing per month; and

WHEREAS, the Division of Police received the following three estimates:

1. Classic Cleaners, Englishtown, New Jersey - \$2,640.00 per month;
2. Sunrise Cleaners, Marlboro, New Jersey - \$1,450.00 per month; and
3. First Class Cleaners, Marlboro, New Jersey - \$1,408.00 per month; and

WHEREAS, the lowest estimate for the provision of 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 Division of Police have reviewed the estimates received and recommend that a contract be awarded to First Class Cleaners for the provision of dry cleaning services; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to First Class Cleaners.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide dry cleaning services to the Division of Police be and hereby is awarded to First Class Cleaners

and that the Mayor is authorized to execute a one-year contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and First Class in accordance with the terms and conditions of the estimate submitted by First Class Cleaners; 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. First Class Cleaners
- b. Division of Police
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-205 (Award of Contract - Lawn Tractor) was introduced by reference, offered by Council President Mione, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION #2004-205

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO STORR TRACTOR COMPANY FOR THE PURCHASE OF A TORO ZEE MODEL 74268 LAWN TRACTOR FOR THE TOWNSHIP OF MARLBORO DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro Division of Public Works contacted certain companies to request estimates for the purchase of a lawn tractor and related attachments and materials to replace a 1983 lawn tractor that is no longer able to be used; and

WHEREAS, Storr Tractor Company provided a proposal dated June 9, 2004 (the "Proposal"), which is attached hereto and made a part hereof, to the Township of Marlboro to provide a Toro Zee Model 74268 Lawn Tractor and related attachments and materials for \$11,707.00; and

WHEREAS, the lowest estimate for the purchase of the lawn tractor and related attachments and materials is less than \$17,500.00, 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 Division of Public Works have reviewed the estimate received and recommend that a contract be awarded to Storr Tractor Company for the purchase of a lawn tractor and related attachments and materials; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Storr Tractor Company.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract for the purchase of a lawn tractor and related attachments and materials be and hereby is awarded to Storr Tractor Company 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 Storr Tractor Company in an amount not to exceed \$11,707.00 and in accordance with the terms and conditions of the Proposal; 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. Storr Tractor Company
- b. Superintendent of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-206 (Establishing Alliance Committee) was introduced by reference, offered by Council President Mione, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-206

RESOLUTION ESTABLISHING MARLBORO TOWNSHIP  
ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE

WHEREAS, Section 4:27(E) of the Code of the Township of Marlboro permits the Mayor to make recommendations he deems in the public interest; and

WHEREAS, the Mayor recommends that the Township Council of the Township of Marlboro establish the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse; and

WHEREAS, the purpose of the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse is to provide educational services to the residents of Marlboro Township for the prevention of alcohol and drug abuse; and

WHEREAS, the Mayor recommends that this Committee should be comprised of five people to serve for three-year terms.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse be established and that the Mayor shall appoint five people to serve on the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse for three-year terms.

The following Resolution # 2004-207 (Review/Approval of Alliance/D.E.D.R. Plan) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-207

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP  
ALLIANCE TO PREVENT ALCOHOLISM AND DRUG  
ABUSE TO APPLY FOR THE 2005 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 execute the 2005 Renewal Application for Funds and Services 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 Resolution # 2004-208 (Bond Reduction Crine Woods - Section 1) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-208

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE SITE KNOWN AS CRINE WOODS, SECTION 1

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Atlantic Realty for the reduction of the amount of the Performance Bond and the amount of the Cash Bond for the site known as Crine Woods, Section 1; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 2, 2004, together with a copy of the inspection report dated April 16, 2004 (collectively, the "Engineer's Report"), copies of which are attached hereto and made a part hereof; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for Crine Woods, Section 1 shall be reduced as follows:

The Performance Bond, in the original and present amount of \$378,498.00, shall be reduced by \$248,707.00 (65.7%), so that the amount to remain shall be \$129,791.00 (34.3%); and

The Cash Bond, in the original and present amount of \$42,055.00, shall be reduced by \$27,634.00 (65.7%), so that the amount to remain shall be \$14,421.00 (34.3%).

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

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

- a. Atlantic Realty
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP.

The following Resolution # 2004-208A (Bond Reduction Crine Woods - Section 2) was introduced by reference, offered by

Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-208A

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE SITE KNOWN AS CRINE WOODS, SECTION 2

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Atlantic Realty for the reduction of the amount of the Performance Bond and the amount of the Cash Bond for the site known as Crine Woods, Section 2; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 22, 2004, together with a copy of the inspection report dated April 16, 2004 (collectively, the "Engineer's Report"), copies of which are attached hereto and made a part hereof; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for Crine Woods, Section 2 shall be reduced as follows:

The Performance Bond, in the original and present amount of \$1,440,401.00, shall be reduced by \$865,342.00 (60.1%), so that the amount to remain shall be \$575,059.00 (39.9%); and

The Cash Bond, in the original and present amount of \$160,045.00, shall be reduced by \$96,149.00 (60.1%), so that the amount to remain shall be \$63,896.00 (39.9%).

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

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

- a. Atlantic Realty
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP.

The following Resolution # 2004-209 (Bond Reduction Conover Hills - Section 1) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-209

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE SITE KNOWN AS CONOVER HILLS, SECTION 1

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Atlantic Realty for the reduction of the amount of the Performance Bond and the amount of the Cash Bond for the site known as Conover Hills, Section 1; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 3, 2004, together with a copy of the inspection report dated April 16, 2004 (collectively, the "Engineer's Report"), copies of which are attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond amounts and Cash

Bond amounts being held by the Township, subject to the payment of all fees required by the Developer's Agreement, the receipt of an as-built drawing reflecting all improvements installed to date and the satisfaction of all conditions required in the Developer's Agreement for the project; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for Conover Hills, Section 1 shall be reduced as follows:

The Performance Bond, in the original and present amount of \$1,578,958.00, shall be reduced by \$1,026,764.00 (65%), so that the amount to remain shall be \$552,194.00 (35%); and

The Cash Bond, in the original and present amount of \$175,440.00, shall be reduced by \$114,085.00 (65%), so that the amount to remain shall be \$61,355.00 (35%).

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

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

- a. Atlantic Realty
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP.

The following Resolution # 2004-210 (Bond Reduction Conover Hills - Section 2) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman

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

RESOLUTION # 2004-210

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE SITE KNOWN AS CONOVER HILLS, SECTION 2

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Atlantic Realty for the reduction of the amount of the Performance Bond and the amount of the Cash Bond for the site known as Conover Hills, Section 2; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 9, 2004, together with a copy of the inspection report dated April 16, 2004 (collectively, the "Engineer's Report"), copies of which are attached hereto and made a part hereof; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for Conover Hills, Section 2 shall be reduced as follows:

The Performance Bond, in the original and present amount of \$2,031,859.00, shall be reduced by \$1,143,289.00 (56.3%), so that the amount to remain shall be \$888,569.00 (43.7%); and

The Cash Bond, in the original and present amount of \$225,762.00, shall be reduced by \$127,032.00 (56.3%), so that the amount to remain shall be \$98,730.00 (43.7%).

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

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

- a. Atlantic Realty
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP.

The following Resolution # 2004-211 (Bond Release Sunrise Assisted Living) was introduced by reference, offered by Council President Mione, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-211

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE SUNRISE ASSISTED LIVING SITE

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request by Sunrise Assisted Living for the release of the Performance Bond and Cash Bond being held by the Township for the Sunrise Assisted Living site; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Acting Township Engineer dated June 3, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township, conditioned upon (i) the posting of a maintenance

bond in the amount of \$63,540.00 and (ii) the payment of all fees required by the Developer's Agreement; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Sunrise Assisted Living site shall each be released in their entirety and no maintenance bond shall be required; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (i) the posting of a maintenance bond in the amount of \$63,540.00 and (ii) the payment of all fees required by the Developer's Agreement; and

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

- a. Sunrise Assisted Living
- b. Bank of America
- c. Acting Township Engineer
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-212 (Approving Grant Agreement DEP - Natural Resource Inventory) was introduced by reference, offered by Council President Mione, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-212

GRANT AGREEMENT BETWEEN TOWNSHIP OF MARLBORO  
THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER ES 04-048

WHEREAS, the Marlboro Environmental Commission has applied for a matching grant from the New Jersey Department of Environmental Protection ("Department"), Environmental Services Program("ESP") Matching Grants Program established

pursuant to N.J.S.A. 13:1H-1 et seq., for funding in connection with a project entitled MARLBORO TOWNSHIP RESOURCE INVENTORY ("Project") the total cost of the Project being \$ 2,500.00 ;and

WHEREAS, the Department has reviewed the application submitted by the Commission and found it to conform with the scope and intent of the ESP Matching Grants Program and has approved the Commission's request for funding in the amount of \$2,500.00, contingent on the Commission's providing the required matching funds; and

WHEREAS, in order to obtain the grant funds, it is necessary that Marlboro Township certify that matching funds in the amount of \$2,500.00 will be provided by Marlboro Township to the Commission project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro:

1. That the Commission was created and continues to exist in accordance with the laws of the State of New Jersey,
2. That the governing body recommends that the Department approved the Commission's application for funding,
3. That the Commission is authorized to enter into a grant agreement with the Department in connection with the project, Office of Environmental Services Program, Grant Number ES 040-048,
4. That upon execution of the above grant agreement Marlboro Township will provide the Commission with matching funds in the amount of \$2,500.00, for the Project, and
5. That this resolution shall take effect immediately.

The following Resolution # 2004-213 (Approving Grant Agreement DEP - Municipal Stormwater Regulation) was introduced by reference, offered by Council President Mione, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-213

GRANT AGREEMENT  
BETWEEN TOWNSHIP OF MARLBORO  
THE STATE OF NEW JERSEY  
BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER WQ04-365

WHEREAS, the Township of Marlboro, County of Monmouth desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$20,619.00 to fund the following project: Implementation of certain activities required by N.J. Pollution Discharge Elimination System Municipal Stormwater General Permit (NJ0141852) Watershed Protection and Management Act of 1977 and Section 319(h) of the Federal Clean Water Act.

THEREFORE, BE AND IT IS HEREBY resolved that the Mayor or the successor to the office is authorized (a) to make application for such a grant, (b) if awarded, to execute a Grant agreement with the State for a Grant in the amount not less than \$20,619.00 and not more than \$20,619.00 and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

BE IT ALSO RESOLVED that the Township Council of the Township of Marlboro authorizes and hereby agrees to match 25% of the Total Project Amount, in compliance with the match requirements of the Agreement. The availability of the match for such purposes, whether cash, services or property, is hereby certified.

The Grantee agrees to comply with all Applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the Agreement.

The following Resolutions were introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli): Res. # 2004-214 - (Redemption Tax Sale Certs. - Various), Res. #2004-215 (Refunds for Overpayments - Various), Res. #2004-216 (Refunds to WMUA - Various), Res. #2004-217 (Veteran Deductions - Various), Res. #2004-218 (Senior Citizen Deductions - Various), Res. #2004-219 (Widow of Veteran Deduction - B. 380, L. 24), and Res. #2004-220 (Refund for Bankruptcy Court Order - B. 364, L. 3.).

RESOLUTION # 2004-214

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$106,295.64 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 \$106,295.64 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>
04-9	184/46	American Tax Funding	\$ 6,364.48
	5 Churchill Court	P.O. Box 862658 Orlando, FL 32886-2658	
04-13	346/1	American Tax Funding	4,246.23
	28 Collingwood Road	P.O. Box 862658 Orlando, FL 32886-2658	
04-19	406/26	Fidelity Tax, LLC	9,074.09
	1 Riva Ridge Court	P.O. 5707 Fort Lauderdale, FL	
04-22	150/1	James Pilewski	170.97
	457 Route 79	346 South Avenue Fanwood, NJ 07023	
04-28	412.05/23	James Pilewski	454.95
	15 Bluebird Lane	346 South Avenue Fanwood, NJ 07023	
03-39	413.02/18	Wachovia-Coll Agt/ SASS Muni IV Dtr	35,194.10
	14 Miro Circle	123 S. Broad Street PA1328S Philadelphia, PA 19109	
03-40	420/17	Crusader Servicing Corp.	50,790.82
	5 Craig Drive	179 Washington Lane Jenkintown, PA 19046	
		TOTAL:	<u>\$106,295.64</u>

RESOLUTION # 2004-215

WHEREAS, the attached list in the amount of \$12,874.19 known as Schedule "A", is comprised of amounts representing overpayments for 2004 taxes,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
171	29	Waterfield Mortgage Co. Attn: Jill Wiesenberg 7500 W. Jefferson Blvd. Fort Wayne, IN 46804 Re: Walter & Patricia Korabiak	\$ 602.37
171	76	Monika Antczak 25 Station Road Morganville, NJ 07751	946.84
176	7 C0905	Oleg & Olga Shubayev 905 Crimson Court Morganville, NJ 07751	955.11
207	22.30	Alex Silman 6 Osprey Court Marlboro, NJ 07746	1,649.46
214.06	5	Ahmet & Seher Semen 8 Breton Court Marlboro, NJ 07746	2,639.67
255	41	Gary & Lynne Heimberg 7 Prince Edward Rd. East Morganville, NJ 07751	1,754.04
400	10	Washington Mutual Attn: Tax Dept.—Refunds 2210 Enterprise Drive Florence, SC 29501 (Payment Meant for other Municipality)	2,207.63
412	117	Joyce Jenkins 3 Scenic Court	2,119.07

Marlboro, NJ 07746

TOTAL: \$12,874.19

RESOLUTION # 2004-216

WHEREAS, current sewer charges totaling \$539.24 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$539.24 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#02-13 9 Eisenhower Circle	184/53	Betty Simon, Trustee LLC	85.71
TSC#02-28 144 Bramble Drive	120.02/30	Betty Simon, Trustee LLC	85.49
TSC#04-21 40 Kingfisher Court	412.04/12	Betty Simon, Trustee LLC	169.49
TSC#04-27 31 Calder Court	246/4	American Tax Funding	198.55
TOTAL:			<u>\$ 539.24</u>

RESOLUTION # 2004-217

WHEREAS, Veteran deductions totaling \$1,250.00 have been granted as per the attached Schedule "A" for the year 2004,

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>
178	2 C0089	Karl & Shirley Karlsson	\$250.00
89 Dartmouth Place		89 Dartmouth Place Morganville, NJ 07751	
273	6	Irwin & Arline Schubert	250.00
54 Millay Road		54 Millay Road Morganville, NJ 07751	
288	29 C0231	Murray & Annette Wank	250.00
231 Ravenswood Road		(Trustees) 231 Ravenswood Road Englishtown, NJ 07726	
381	49	Raymond Windheim (For Trust)	250.00
47 Murray Hill Terr.		47 Murray Hill Terrace Marlboro, NJ 07746	
393	7	Teresito Espiritu	250.00
6 Justin Court		6 Justin Court Marlboro, NJ 07746	
TOTAL:			\$1,250.00

RESOLUTION # 2004-218

WHEREAS, Senior Citizen deductions totaling \$750.00 have been granted as per the attached Schedule "A" for the year 2004,

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>
255	25	Bernard & Sandra Rubenstein	\$250.00
6 Kingston Terrace		6 Kingston Terrace Morganville, NJ 07751	
412	307 C0027	Chiu-Mei Lai	250.00

27 Thrasher Court	27 Thrasher Court	
	Marlboro, NJ	07746
412 307 C0078	Hong Lan Shi	250.00
78 Thrasher Court	78 Thrasher Court	
	Marlboro, NJ	07746
TOTAL:		<u>\$ 750.00</u>

RESOLUTION # 2004-219

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2004 for Block 380 Lot 24, located on 6 Cross Court, assessed to Regina Michaels,

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 to the above-mentioned taxpayer.

RESOLUTION # 2004-220

WHEREAS, the U.S. Bankruptcy Court issued a Court Order, dated April 19, 2004 against the property owners, Damian & Joan McDermott, of 1 Oak Lane, Block 364, Lot 3 and,

WHEREAS, the Tax Collector's office received this notice on April 23, 2004, and,

WHEREAS, the 2003 taxes and interest were delinquent in the amount of \$9,498.11 and included in our 2004 Tax Lien Sale held on April 22, 2004, and sold to Plymouth Financial, and,

WHEREAS, this Tax Sale Certificate (#04-18) is now invalid,

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby directed to refund Plymouth Financial the amount of \$9,498.11.

The following Resolution # 2004-221 (Appointment to Zoning Board - Murray Karp - to fill unexpired term of Jeffrey Rosen) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and

passed on a roll call vote of 3 - 0 in favor, with Councilman Pernice abstaining (Absent: Morelli).

RESOLUTION # 2004-221

A RESOLUTION APPOINTING MURRAY KARP TO FILL THE  
UNEXPIRED TERM OF JEFFREY ROSEN ON THE TOWNSHIP  
OF MARLBORO ZONING BOARD OF ADJUSTMENT

WHEREAS, Gerald Newman resigned from his appointment as a member of the Township of Marlboro Zoning Board of Adjustment thereby resulting in a vacancy on that Board; and

WHEREAS, by Resolution No. 2004-166, the Township Council appointed Jeffrey Rosen to serve as a regular member of the Zoning Board of Adjustment, for the unexpired term of Gerald Newman expiring 12/31/05.

WHEREAS, as a result of Mr. Rosen's appointment to fill the unexpired term of Gerald Rosen, a vacancy exists on the Zoning Board of Adjustment that, pursuant to N.J.S.A. 40:55D-69 and Section 84-8 of the Code of the Township of Marlboro, must be filled by the Township Council; and

WHEREAS, the Township Council desires to appoint Murray Karp to fill the unexpired term of Jeffrey Rosen on the Zoning Board of Adjustment.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Township Council of the Township of Marlboro that MURRAY KARP is hereby appointed to the Zoning Board of Adjustment, to fill the unexpired term of JEFFREY ROSEN, such term to expire December 31, 2004; and

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

- a. Township of Marlboro Zoning Board of Adjustment
- b. Gluck, Walrath & Lanciano, LLP.

The following Resolution # 2004-221A (Special Council Meeting - June 29<sup>th</sup> - 8 PM - Executive Session) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and

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

RESOLUTION # 2004-221 A

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on June 29, 2004 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 an executive session for the purpose of discussing acquisition of property, contract negotiations and litigation. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.

At 10:30 PM, Council Vice President Denkensohn 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 Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent Morelli). Recess was called, and the executive session commenced at 10:45 PM.

RESOLUTION # 2004-222

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 24<sup>th</sup> 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, Litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 90 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 12:15PM, Council President Mione moved that the executive session be opened. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Morelli).

At 12:16PM, Council Vice President Denkensohn moved that the meeting be adjourned. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Morelli).

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

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ALIDA DE GAETA  
MUNICIPAL CLERK

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JAMES MIONE  
COUNCIL PRESIDENT

