

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 11, 2005

The Marlboro Township Council held a Special Executive Session at 7:30 PM before the regularly scheduled Council Meeting of August 11, 2005 at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meeting Act, notice of this special executive session was faxed to the Asbury Park Press, the Star Ledger and News Transcript on August 4, 2005; posted on the bulletin board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor (7:35PM), Councilman Denkensohn, Council Vice President Morelli and Council President Pernice. Councilman Mione was absent.

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

At 7:30PM, Council Vice President Morelli moved that the meeting go into executive session for reason of litigation. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Mione).

RESOLUTION # 2005-303

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 11th day of August, 2005 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 items and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:20PM, Councilman Denkensohn moved that the executive session be opened. This was seconded by Council Vice President Morelli, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Mione)

Council took a fifteen-minute recess and the meeting convened at 8:35PM in Town Hall.

The Marlboro Township Council held its regularly scheduled Council meeting on August 11, 2005 at 8:35 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Council Vice President Morelli and Council President Pernice. Councilman Mione was absent.

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

Council Vice President Morelli moved that the minutes of July 14, 2005 be approved. This motion was seconded by Councilman Cantor and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

Council President Pernice opened the Public Hearing on Ordinance # 2005-12 (As Amended) Amend Chapter 84 - Churches & Places of Worship). After the Public Hearing was held and closed, Council wished to make several amendments to clarify the language. Township Attorney Andrew Bayer outlined the changes and deemed the changes to be non-substantive. The following Resolution # 2005-304/Ord.# 2005-12 (As Amended) Amend Chapter 84 - Churches & Places of Worship) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-304

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

ORDINANCE # 2005-12 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE IV "ZONING: CONDITIONAL PERMIT PROCEDURES AND REQUIREMENTS", SECTION 84-66, "CHURCHES AND PLACES OF WORSHIP"

which was introduced on July 14, 2005, public hearing held August 11, 2005, be adopted on second and final reading this 11th day of August, 2005.

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

ORDINANCE # 2005-12 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE IV "ZONING:

CONDITIONAL PERMIT PROCEDURES AND REQUIREMENTS", SECTION
84-66, "CHURCHES AND PLACES OF WORSHIP"

WHEREAS, the Mayor and the Township Council of the Township of Marlboro recognize the continuing need to provide for the opportunity for the creation of churches or other places of worship in all zones in the Township; and

WHEREAS, the Mayor and the Township Council recognize and support an individual's desire and right to worship as he or she chooses, while also being mindful of the impact that the construction of churches or other places of worship can have upon residential zones; and

WHEREAS, Section 84-66 of the Code of the Township of Marlboro permitting churches or other places of worship as conditional uses in the Township does not adequately delineate development regulations which foster the development of such structures, while also providing protection to adjoining residential property owners from the impact of such development; and

WHEREAS, the elected officials of the Township met with representatives from the various churches and other places of worship and residents of the Township to obtain their input regarding how Section 84-66 could best be amended to accomplish the goal of allowing churches and other places of worship to thrive and prosper in the Township, while also protecting the residential property owners from the adverse impacts which may occur from the development of such structures.

WHEREAS, the Mayor and the Township Council have weighed the respective interests of all concerned and believe that this Ordinance amending Section 84-66 addresses that goal.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Section 84-66 entitled "Churches and places of worship" of the "Land Use and Development Regulations" of the Code of the Township of Marlboro be deleted in its entirety and replace with the following:

§ 84-66. Churches and places of worship.

A. Churches and other places of worship or assembly for religious purposes may be permitted in specified zones only upon receipt of a conditional use permit. A conditional use permit shall be granted, provided that the following standards and specifications are met which apply in residential zoning districts except for paragraphs 2, 5, 6, 7 and 10 below, which apply to all zoning districts:

1. The minimum lot area shall be 3.5 acres and a minimum frontage shall be 150 feet with a 50 feet front yard setback, 50 feet side yard and 50 foot rear yard; the minimum width shall be 150 feet within residential zoning districts.

2. All minimum required lot depth and building height shall conform to those established in the underlying zoning for the property.

3. Maximum lot coverage shall be 28 percent in all residential zoning districts.

4. No accessory building and/or structure including parking lots shall be located within the front, rear and side yards.

5. The site shall have direct access to one of the following streets: State Route 18, State Route 9, State Route 34, State Route 79, County Route 520, Lloyd Road, Tennent Road (County Route 3), Dutch Lane Road (County Route 46), Texas Road, Wyncrest Road, Gordon's Corner Road (through street), Ryan Road, School Road West, Ticetown Road, Greenwood Road, Wooleytown Road, Spring Valley Road, Union Hill Road, Robertsville Road, Amboy Road, Crine Road, Harbor Road, Station Road, Nolan Road, Reids Hill Road, Pleasant Valley Road, Conover Road, Boundary Road, Vanderburg Road, Robertsville Road, Church Road, Schank Road, School Road East, Buckley Road and Topanemus Road.

6. Driveways shall cross the sidewalk at right angles. Driveways shall be at least 10 feet from any side lot lines. Not more than two driveways shall be permitted for each 150 feet of street frontage.

7. Parking in accordance with § 84-60 for churches, synagogues or other places of worship: 1 parking space

for each 3 seats, or 1 parking space for each 72 inches of seating space when benches rather than seats are used. If there is another use on-site other than that required for religious purposes, the parking requirement for the additional use will be added to the total required number of parking spaces. Where no pews or seats are provided in a house of worship, the parking requirement shall be one (1) parking space for every twenty-four (24) square feet of floor area.

8. For all sites within a residential zoning district there shall be provided a 35-foot landscaped buffer to any existing residential use or zone in accordance with the design standards of the Township of Marlboro.

9. Fences are subject to the provisions of § 84-58 of this chapter.

10. Signs are regulated as per § 84-62 of this chapter.

11. All zoning requirements in the underlying zone of the property not specifically amended by this ordinance shall be applicable to this conditional use.

12. It is the intent of this ordinance, when incorporating the requirements/standards of the underlying zone, to establish that any deviation from that requirement/standard would require a variance under N.J.S.A. 40:55D-70(d).

B. The requirements set forth herein shall not apply to any Church or other place of worship that, as of the effective date of this Ordinance, is in compliance with all applicable State and Township laws and requirements. Any subsequent expansion or other development of any Church or other place of worship covered by this subsection (B) shall conform to those requirements in place immediately prior to the effective date of this Ordinance. Notwithstanding the foregoing, any expansion or other development of any Church or other place of worship covered by this subsection (B) on any lot other than that lot or lots upon which said structure exists as of the effective date of this Ordinance shall conform to the requirements set forth in this amended Section 84-66.

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

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

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

Council took a 5-minute recess.

Council President Pernice opened the Public Hearing on Ordinance # 2005-26 (Rezoning Certain Lots to the C-5 Community Commercial District II). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-305/Ord.# 2005-26 (Rezoning Certain Lots to the C-5 Community Commercial District II) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-305

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

ORDINANCE # 2005-26

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE C-5 COMMUNITY COMMERCIAL DISTRICT II."

which was introduced on July 14, 2005, public hearing held August 11, 2005, be adopted on second and final

reading this 11th day of August, 2005.

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

Council President Pernice opened the Public Hearing on Ordinance # 2005-28 (Rezoning Certain Lots to the LC Land Conservation District). After the Public Hearing was held and closed, motion to table Resolution # 2005-306/Ord.# 2005-28 (Rezoning Certain Lots to the LC Land Conservation District) to the September 8th Council meeting was made by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 3 - 0 in favor of tabling (Absent: Mione), with Council President Pernice abstaining as he recused himself from voting.

Council President Pernice opened the Public Hearing on Ordinance # 2005-30 (Rezoning Certain Lots to the MZ Zone). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-307/Ord.# 2005-30 (Rezoning Certain Lots to the MZ Zone) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-307

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

ORDINANCE # 2005-30

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE MZ MUNICIPAL ZONE DISTRICT"

which was introduced on July 14, 2005, public hearing held August 11, 2005, be adopted on second and final reading this 11th day of August, 2005.

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

Council President Pernice opened the Public Hearing on Ordinance # 2005-31 (Amending Standards & Regulations RSCS Zone). After the Public Hearing was held and closed, motion to table Res. #2005-308/ Ord. #2005-31 (Amending Standards & Regulations RSCS Zone) to the Sept. 8th agenda was made by Councilman Denkensohn, seconded by Council President Pernice and was passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Mione).

Council President Pernice opened the Public Hearing on Ordinance # 2005-32 (Rezoning Certain Lots to the OPT 2 Zone). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-309/Ord.# 2005-32 (Rezoning Certain Lots to the OPT 2 Zone) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-309

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

ORDINANCE # 2005-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE OPT-2 OFFICE-PROFESSIONAL-TRANSITIONAL DISTRICT 2

which was introduced on July 14, 2005, public hearing held August 11, 2005, be adopted on second and final reading this 11th day of August, 2005.

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

Council President Pernice opened the Public Hearing on Ordinance # 2005-33 (Rezoning Certain Lots to the

R-40AH Zone). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-310/Ord.# 2005-33 (Rezoning Certain Lots to the R-40AH Zone) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-310

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

ORDINANCE # 2005-33

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE R-40AH RESIDENTIAL DISTRICT"

which was introduced on July 14, 2005, public hearing August 11, 2005, be adopted on second and final reading this 11th day of August, 2005.

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

Council President Pernice opened the Public Hearing on Ordinance # 2005-34 (Traffic Regulations - Millponds). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-311/Ord.# 2005-34 (Traffic Regulations - Millponds) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-311

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

ORDINANCE # 2005-34

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE MILL PONDS DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

which was introduced on July 14, 2005, public hearing held August 11, 2005, be adopted on second and final reading this 11th day of August, 2005.

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

The following Ord. # 2005-312/Res. # 2005-35 (Authorizing Easement Marlboro Township to MTMUA) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-312

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

ORDINANCE # 2005-35

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT FROM THE TOWNSHIP OF MARLBORO TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF A SUBSURFACE FILTER BACKWASH DISCHARGE PIPELINE

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 September 8, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-35

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT FROM THE TOWNSHIP OF MARLBORO TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF A SUBSURFACE FILTER BACKWASH DISCHARGE PIPELINE

WHEREAS, the Township of Marlboro owns a certain parcel of property known as Block 180, Lot 14 (the "Property") on the Tax Map of the Township of Marlboro; and

WHEREAS, the Marlboro Township Municipal Utilities Authority ("MTMUA") is in need of a utility easement across the Property for the purpose of installing and maintaining a subsurface Filter Backwash Discharge Pipeline to connect the MTMUA's proposed Tennent Road Water Treatment Plant to that portion of the Western Monmouth Utilities Authority's sewer system located at Nikki Court; and

WHEREAS, the Local Lands and Buildings Law, 40A:12-1, *et seq.*, allows a municipality to authorize by ordinance the sale of an interest in real property to "any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey," without public bidding; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to convey the necessary easement to the MTMUA.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute a Deed of Easement, in a form substantially identical to that attached hereto, conveying an easement (specifically described on Schedule "A" of the Deed of Easement) across the Property from the Township of Marlboro to the MTMUA for \$1.00 for the purpose of installing and maintaining a subsurface Filter Backwash Discharge Pipeline to connect the MTMUA's proposed Tennent Road Water Treatment Plant to that portion of the Western Monmouth Utilities Authority's sewer system located at Nikki Court; and

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Resolution # 2005-313 (Requesting Placement of Referendum on Ballot - Active Recreation) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-313

A RESOLUTION REQUESTING THE PLACEMENT OF A REFERENDUM ON THE OFFICIAL BALLOT FOR THE NEXT GENERAL ELECTION OF NOVEMBER 8, 2005 AUTHORIZING THE ANNUAL OPEN SPACE, PASSIVE RECREATION, FARMLAND AND HISTORIC PRESERVATION TAX TO BE USED FOR FOUR ADDITIONAL PURPOSES

WHEREAS, the Township Council of the Township of Marlboro in November of 1996 submitted to the legal voters of the Township of Marlboro a proposition for the levying of One Dollar (\$1.00) per Ten Thousand Dollars (\$10,000.00) of assessed valuation of real property per year for open space and agricultural preservation purposes, which was approved by a majority of the voters of the Township; and

WHEREAS, the Township Council thereafter adopted Ordinance No. 2000-22, which established the "Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund", pursuant to N.J.S.A. 40:12-15.7, and authorized the dedication of funds into said account in accordance with the proposition previously approved by the voters; and

WHEREAS, the Township Council in November of 2001 submitted to the legal voters of the Township of Marlboro a proposition, which was approved by a majority of the voters of the Township, to increase the annual levy an additional One Dollar (\$1.00) per Ten Thousand Dollars (\$10,000.00) of assessed valuation for a total of Two Dollars (\$2.00) per Ten Thousand Dollars (\$10,000.00) of assessed valuation to be used for the following purposes:

a. acquisition of lands for passive recreation and conservation purposes;

b. acquisition of farmland for farmland preservation purposes;

c. historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes; and

d. payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth in paragraphs (a), (b) and (c) above; and

WHEREAS, the Township Council thereafter adopted Ordinance No. 2002-29 which amended the Code of the Township of Marlboro to reflect the increase in the annual levy approved by the voters for the stated purposes; and

WHEREAS, the Township now desires to ascertain the approval of the Township's voters with regard to adding the following additional purposes for which the annual levy may be utilized:

a. acquisition of lands for active recreation and conservation purposes;

b. development of lands acquired for recreation and conservation purposes;

c. maintenance of lands acquired for recreation and conservation purposes; and

d. payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth in paragraphs (a), (b) and (c) above; and

WHEREAS, the Township Council desires to submit to the voters of the Township, pursuant to N.J.S.A. 40:12-15.7, a proposition amending the referendum previously approved by the voters, which would provide for the annual levy to be used for the aforementioned additional purposes.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, by the Township Council of the Township of Marlboro that the Township hereby requests the Monmouth County Clerk of Elections to place on the official ballot to be used in the next General Election to be held on November 8, 2005, the following question:

Marlboro Township Question #1

Should the Township of Marlboro be authorized to utilize the Annual Open Space, Passive Recreation, Farmland and Historic Preservation Tax for the following additional purposes:

- a. acquisition of lands for active recreation and conservation purposes;
- b. development of lands acquired for recreation and conservation purposes;
- c. maintenance of lands acquired for recreation and conservation purposes; and
- d. payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth in paragraphs (a), (b) and (c) above?

EXPLANATORY STATEMENT

Currently, the Township of Marlboro is authorized to annually collect an Open Space, Passive Recreation, Farmland and Historic Preservation Tax of Two Dollars (\$2.00) per Ten Thousand Dollars (\$10,000.00) of assessed valuation to be used for the following purposes:

- a. acquisition of lands for passive recreation and conservation purposes;
- b. acquisition of farmland for farmland preservation purposes;

c. historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes; and

d. payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth in paragraphs (a), (b) and (c) above.

The Township Council is now seeking the approval of the Township's voters to allow the annual Open Space, Passive Recreation, Farmland and Historic Preservation Tax to be used for the four additional purposes set forth above under Question #1.

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

- a. Monmouth County Clerk of Elections
- b. Monmouth County Board of Elections
- c. Director I Division of Local Government Services, New Jersey Department of Community Affairs

The following Resolution # 2005-314 (Advising and Consenting to Library Board - Blatt & Whalen) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-314

A RESOLUTION APPOINTING IRWIN BLATT AND WALTER WHALEN TO THE BOARD OF TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to N.J.S.A. 40:54-9, *et seq.* and Section 4-34D(4) of the Code of the Township of Marlboro, the Mayor shall appoint five citizens to the Board of Trustees of the Marlboro Free Public Library with the

advice and consent of the Township Council, for terms of five years; and

WHEREAS, the Mayor desires to appoint Irwin Blatt and Walter Whalen as Library Trustees for five year terms commencing on August 11, 2005 and expiring on August 11, 2010.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, that the Township Council of the Township of Marlboro hereby consents to the appointment of Irwin Blatt and Walter Whalen as Library Trustees for five year terms commencing on August 11, 2005 and expiring on August 11, 2010.

The following Resolution # 2005-315 (Awarding Plenary Retail Consumption License - FMP Delsea Woods Associates/Brooks Edge Plaza LLC) was tabled to the September 8th agenda. Motion to table was made by Councilman Denkensohn, seconded by Council Vice President Morelli, and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Mione)

The following Resolution # 2005-316 (Bond Release Shallowbrook) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Mione). Township Engineer James Priolo was present to address Council's questions.

RESOLUTION # 2005-316

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE SHALLOWBROOK ESTATES PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Shallowbrook, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the Shallowbrook Estates Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 18, 2005 (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 (1) the payment of all fees required by the Developer's Agreement and (2) the posting of a Maintenance Bond in the amount of \$143,793.45; 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 Shallowbrook Estates Project shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (1) the payment of all fees required by the Developer's Agreement and (2) the posting of a Maintenance Bond in the amount of \$143,793.45; and

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

- a. Shallowbrook, LLC
- b. Universal Bonding Insurance
- c. First Savings Bank
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-317 (Bond Release Dr. Goldberg Site Plan) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione). Township Engineer James Priolo was present to address Council's questions.

RESOLUTION # 2005-317

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE DR. STEVEN GOLDBERG PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Steven and Shelley Goldberg for the release of the Performance Bond being held by the Township for the Dr. Steven Goldberg Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 7, 2005 (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 being held by the Township conditioned upon (1) the payment of an inspection fee in the amount of \$400.00 and (2) the posting of a Maintenance Bond in the amount of \$19,500.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance 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 posted for the Dr. Steven Goldberg Project shall be released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond shall be conditioned upon (1) the payment of an inspection fee in the amount of \$400.00 and (2) the posting of a Maintenance Bond in the amount of \$19,500.00; and

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

- a. Steven and Shelley Goldberg
- b. First Indemnity of America Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-318 (Bond Reduction Maple Tree Plaza) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Mione). Township Engineer

James Priolo was present to address Council's questions.

RESOLUTION # 2005-318

A RESOLUTION AUTHORIZING THE REDUCTION OF THE
PERFORMANCE BOND AND CASH BOND FOR THE MAPLE
TREE PLAZA SITE

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Triple C Nurseries, Maple Tree Plaza, Carmine Casola and Danielle Casola for the reduction of the amount of the Performance Bond and Cash Bond being held by the Township for the Maple Tree Plaza Site; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 4, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond and Cash Bond amounts being held by the Township, subject to 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 for the Maple Tree Plaza Site shall be reduced as follows:

The Performance Bond, in the original and present amount of \$690,000.00, shall be reduced to \$354,321.22; and

The Cash Bond, in the original and present amount of \$70,314.00, shall be reduced to \$39,369.02; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to 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. Triple C Nurseries
- b. Maple Tree Plaza
- c. Carmine Casola
- d. Danielle Casola
- e. Township Engineer
- f. Chief Financial Officer
- g. Gluck Walrath LLP.

The following Resolution # 2005-319 (Authorizing Agreement - Kaplan) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4-0 in favor (Absent: Mione).

RESOLUTION # 2005-319

RESOLUTION AUTHORIZING THE EXECUTION OF A
SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF
MARLBORO AND KAPLAN COMPANIES

WHEREAS, pursuant to Resolution #2004-225, the Township Council of the Township of Marlboro approved the July 2004 Housing Plan Element and Fair Share Plan (collectively referred to as the "Affordable Housing Plan") for the Township of Marlboro; and

WHEREAS, the Township of Marlboro then petitioned the Council on Affordable Housing ("COAH") for substantive certification and requested that COAH review and certify the Affordable Housing Plan; and

WHEREAS, through its Petition for Substantive Certification, the Township included Block 132, Lot 18, also known as the Entron Property and owned by Kaplan Companies ("Kaplan"), which provided for the construction of 365 residential units, 245 market rate age-restricted units and 120 affordable units constructed on-site

(including 44 affordable age-restricted units and 76 affordable family units); and

WHEREAS, numerous objectors filed objections to the Township's Affordable Housing Plan pursuant to N.J.A.C. 5:91-4.1; and

WHEREAS, in response to the objections, the Township, the objectors and Kaplan engaged in mediation and good faith negotiations as required by N.J.A.C. 5:91-7.1, et seq. and

WHEREAS as a result of the mediation process, Kaplan and the Township reached a proposed settlement which will reduce the density at the Entron Property by 71 units, thereby permitting the construction of a total of 284 units, of which 245 will be market rate units and 49 will be affordable age-restricted units and Kaplan further agreed to fund 71 RCAs at an amount to be determined and approved by COAH; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro enter into said settlement with Kaplan to promote the public policy of providing affordable housing within the municipality's borders and to satisfy the Township's affordable housing obligation in furtherance of obtaining substantive certification from COAH and to prevent builder's remedy litigations against the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township Attorney is authorized to enter into a Settlement Agreement between the Township and Kaplan to reflect the following terms and conditions: (1) The Township will amend its Affordable Housing Plan to include the Entron Property developed with 245 market rate units, 49 affordable age-restricted units and the funding of 71 RCAs at an amount to be determined and approved by COAH; (2) the Township will agree to introduce zoning ordinances to allow those uses and bulk and density requirements necessary to implement the aforementioned development of the Property; (3) and any other necessary terms and conditions to implement the Settlement as approved by the Township Attorney and/or required by COAH.

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

- a. Council on Affordable Housing
- b. Kaplan Companies
- c. Business Administrator
- d. Gluck Walrath, LLP

The following Resolution # 2005-320 (Authorizing Agreement - Weitz) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 3 -1 in favor with Councilman Denkensohn voting no. (Absent: Mione).

RESOLUTION # 2005-320

RESOLUTION AUTHORIZING THE EXECUTION OF A
SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF
MARLBORO AND OHAD ASSOCIATES, L.L.C.

WHEREAS, pursuant to Resolution #2004-225, the Township Council of the Township of Marlboro approved the July 2004 Housing Plan Element and Fair Share Plan (collectively referred to as the "Affordable Housing Plan") for the Township of Marlboro; and

WHEREAS, the Township of Marlboro then petitioned the Council on Affordable Housing ("COAH") for substantive certification and requested that COAH review and certify the Affordable Housing Plan; and

WHEREAS, in accordance with N.J.A.C. 5:91-4.1, Ohad Associates, L.L.C. ("Ohad") filed an objection with COAH to the Affordable Housing Plan; and

WHEREAS, Ohad's objection evidenced that it is the owner of Block 143, Lot 1.02 (the "Property") in the Township of Marlboro and that on May 16, 1990, Ohad received Preliminary Site Plan and Subdivision approval for a total of 384 units (develop 299 market rate units and fund 85 units through a Regional Contribution Agreement ("RCA")).

WHEREAS, Ohad then filed for Amended Preliminary and Final Site Plan approval on June 27, 2003 proposing to build 85 affordable units on the Property, rather than fund an 85 unit RCA as originally approved and Ohad's objection with COAH sought the same relief; and

WHEREAS, in response to Ohad's objection with COAH, the Township of Marlboro and Ohad engaged in mediation and good faith negotiations as required by N.J.A.C. 5:91-7.1, *et seq.* and

WHEREAS, as a result of the mediation process, Ohad and the Township reached a proposed settlement which will allow for Ohad to construct, on the Property, 299 market rate units and 71 affordable family rental units and Ohad further agreed to fund 14 RCAs at an amount to be determined and approved by COAH; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle Ohad's objection to promote the public policy of providing affordable housing within the municipality's borders and to satisfy the Township's affordable housing obligation in furtherance of obtaining substantive certification from COAH and to prevent builder's remedy litigations against the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township Attorney is authorized to enter into a Settlement Agreement between the Township and Ohad to reflect the following terms and conditions: (1) The Township will amend its Affordable Housing Plan to include the Property developed with 299 market rate units, 71 affordable family rental units and the funding of 14 RCAs at an amount to be determined and approved by COAH; (2) the Township will agree to introduce zoning ordinances to allow for those uses and bulk and density requirements necessary to implement the aforementioned development of the Property; (3) and any other necessary terms and conditions to implement the Settlement as approved by the Township Attorney and/or required by COAH; and

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

- a. Council on Affordable Housing
- b. Ohad Associates, LLC
- c. Business Administrator
- d. Gluck Walrath, LLP.

The following Resolution # 2005-321 (Authorizing Agreement - Bluh & Batelli) was tabled to the August 16th Special meeting. Motion to table was made by Council Vice President Pernice, seconded by Council Vice President Morelli, and passed on a roll call vote of 4 - 0 in favor of tabling.

The following Resolution # 2005-322 (Amendment to 125 - Health Benefits Contribution) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 0 in favor (Absent: Mione and Morelli).

RESOLUTION # 2005-322

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE TOWNSHIP'S
EMPLOYEE BENEFITS PLAN WITH BENEFLEX, INC. TO INCORPORATE
A SECTION 125 CAFETERIA PLAN

WHEREAS, the Township of Marlboro currently offers an Employee Benefits Plan (the "Plan") to its employees through Beneflex, Inc.; and

WHEREAS, in order to include a spouse or other dependent in the Plan, employees are now required to make a monetary contribution to the Plan; and

WHEREAS, in order to allow employees to utilize pre-tax dollars to make such contributions, the Township of Marlboro must amend its Plan to incorporate a Section 125 Cafeteria Plan.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes an amendment to the Plan to incorporate a Section 125 Cafeteria Plan and authorizes the Mayor or the Business Administrator to execute the necessary documents to implement such amendment; and

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

- a. Beneflex, Inc.
- b. Business Administrator
- c. Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2005-323 (Approval of Item of Revenue - Municipal Alliance - \$8,720) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor (Absent: Mione and Morelli).

RESOLUTION # 2005-323

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

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;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$8,720.00, which item is now available as a revenue from the 2005 Monmouth County Alliance on Alcoholism and Drug Abuse, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$8,720.00 is hereby appropriated under the caption "2005 Monmouth County Alliance on Alcoholism and Drug Abuse" and the 25% Municipal Match of \$2,180.00 is hereby appropriated within the 2005 appropriation of Drug Abuse Control OE.

The following Resolution # 2005-324 (Approval of Item of Revenue - Various) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor (Absent: Mione and Morelli).

RESOLUTION # 2005-324

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

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;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of several items of revenue in the budget of the year 2005 as follows, which items are now available as revenues from 12/31/04 unappropriated grant balances pursuant to the provision of the statute, and

Section 2

BE IT FURTHER RESOLVED that the following amounts are hereby appropriated under the following captions.

Revenues:

Clean Communities Grant	\$2,211.73
Drunk Driving Enforcement Fund	5,392.25
Alcohol Rehabilitation Grant	1,685.17
Recycling Tonnage Grant	15,691.44

Appropriations:

Clean Communities Grant	\$2,211.73
Drunk Driving Enforcement Fund	5,392.25
Alcohol Rehabilitation Grant	1,685.17
Recycling Tonnage Grant	15,691.44

The following Resolution # 2005-325 (Cancelling the 12/31/04 Balance of Various Grants) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 0 in favor (Absent: Mione and Morelli).

RESOLUTION # 2005-325

RESOLUTION CANCELLING THE 12/31/04 BALANCE
OF VARIOUS GRANTS

WHEREAS, THE Township of Marlboro 12/31/04 financial records contained an unappropriated balance of \$4,960.12 for the federal program known as "COPS in Shops", and an unappropriated balance of \$2,405.72 for the "Hazards Emergency Operations Planning" grant; and

WHEREAS, the federal programs are grants based on the reimbursement of previously incurred costs; and these grants have a zero balance and closed status per federal records, and

WHEREAS, the Emergency Operations Planning grant had been previously appropriated in the 2004 budget process,

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby authorizes the Township Chief Financial Officer to cancel these balances and make the appropriate entries in the Township financial records.

The following Resolution # 2005-326 (Authorizing Public Works to Complete Entrances - WB Associates) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor (Absent: Mione and Morelli).

RESOLUTION # 2005-326

WHEREAS, WB Associates of Wall Township, New Jersey built two developments in the Township of Marlboro, one off Igoe Road and the other off Pleasant Valley Road, and

WHEREAS, the entrances of these developments are and have been in varying states of disrepair, and

WHEREAS, monies had been and still exist in escrow per Developer Agreement to address costs associated with the ongoing maintenance and repair of these entrances, and

WHEREAS, the escrow account BE96-661 currently contains an amount of \$6,234.29 for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works be hereby authorized to complete the necessary work to restore the entrance ways to a state where no additional maintenance work be required and to reimburse the municipal appropriation for all costs incurred to complete such work.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice, and passed on a roll call vote of 3 - 0 in favor (Absent: Mione and Morelli): Res. #2005-327 (Change Order - Electrical Design), Res. #2005-328 (Authorization to Bid - Calcium Chloride Wetting System - Lighted Information Sign), Res. #2005-329 (Award of State Contract - Snow Plows), Res. #2005-330 (Award of State Contract - Blinds), Res. #2005-331 (Award of Contract - Police Dry Cleaning), Res. #2005-332 (Award of Contract - 4 zone light remote control), Res. #2005-333 (Raffle License - Mustang Parents Football Club Corp.), Res. #2005-334 - Raffle License - Marlboro Elementary School PTA), Res. #2005-335 (Raffle License - St. Gabriel's Church), Res. #2005-336 (Redemption Tax Sale Certs. - Various), Res. #2005-337 (Refund to WMUA - B. 188, L. 1), Res. #2005-338 (Veteran Deductions - Various), Res. #2005-339 (Refunds Mon. County Bd. of Taxation - Various), Res. #2005-340 (Refund 2005 First Quarter Taxes - B. 193.02, L. 53.11), Res. #2005-341 (Refunds for Overbilled Taxes - Various), Res. #2005-342 (Cancelling Taxes - B. 360.02, L. 18.63), Res. #2005-343 (Refund for Overpayment - B. 326, L. 23), Res. #2005-344 (Disabled Veteran Deductions - Various) and Res. #2005-345 (Cancelling Taxes - Various).

RESOLUTION # 2005-327

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1,
ELECTRICAL DESIGN - MUNICIPAL COMPLEX

WHEREAS, by Resolution No. 2004-351, the Township of Marlboro authorized an Agreement between the Township of Marlboro and Shine Engineering, P.A. for the provision of professional engineering design services in connection with the renovation of the Township of Marlboro Municipal Building for an amount not to exceed \$10,500.00 (the "Agreement"); and

WHEREAS, the Director of Public Works recommends the authorization of Change Order No. 1 to that Agreement in the amount of \$1,000.00 for a total contract sum of \$11,500.00 to allow for the design of energy efficient lighting within ceiling tile grid.

NOW, THEREFORE, BE IT 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 Change Order No. 1 to the Agreement between the Township of Marlboro and Shine Engineering, P.A., in the form attached hereto, for an net additional consideration of \$1,000.00 for a total contract sum of \$11,500.00;
2. That the Chief Financial Officer has filed a Certificate of Availability of Sufficient Funds for this Change Order and attached same to this resolution; and
3. That a certified copy of this resolution shall be provided to each of the following:
 - A. Shine Engineering, P.A.
 - B. Director of Public Works
 - C. Chief Financial Officer
 - D. Township Attorney

RESOLUTION # 2005-328

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:

Calcium Chloride Wetting System
Lighted Information Sign

RESOLUTION # 2005-329

RESOLUTION AUTHORIZING THE PURCHASE OF FOUR
(4) MEYER'S C-8, MODEL E-57 SNOW PLOWS AND
RELATED EQUIPMENT STATE CONTRACT #A55768

WHEREAS, the Marlboro Township Public Works Department has recommended that the Township purchase four (4) Meyer's C-8, Model E-57 Snow Plows and related equipment from Monmouth Truck Equipment, 745 Shrewsbury Avenue, Shrewsbury, NJ 07702 under State Contract #A55768 for the amount of \$11,004.00; and

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

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

WHEREAS, funds are available in Capital Account Number X-04-55-955-906 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase four (4) Meyer's C-8, Model E-57 Snow Plows and related equipment from Monmouth Truck Equipment, 745 Shrewsbury Avenue, Shrewsbury, NJ 07702 under State Contract #A55768 for the amount of \$11,004.00; and

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

- a. Monmouth Truck Equipment, Shrewsbury, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-330

RESOLUTION AUTHORIZING THE REMOVAL OF EXISTING
AND PURCHASE AND INSTALLATION OF WINDOW
TREATMENTS FOR THE MARLBORO TOWNSHIP MUNICIPAL
COMPLEX STATE CONTRACT #A87357

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase window treatments from Hannon Floors, 1119 Springfield Road, Union, NJ 07083 under State Contract #A84600 for the amount of \$6,745.00; and

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

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

WHEREAS, funds are available in Capital Account Number X-04-55-944-901 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase window treatments from Hannon Floors, 1119 Springfield Road,

Union, NJ 07083 under State Contract #A84600 for the amount of \$6,745.00; and

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

- a. Monmouth Truck Equipment, Shrewsbury, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

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RESOLUTION # 2005-331

RESOLUTION AUTHORIZING THE USE OF DRY CLEANING SERVICES FROM SUNRISE CLEANERS FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for the use of dry cleaning services; and

WHEREAS, the Police Department received the following estimates:

1. Sunrise Cleaners, Marlboro, New Jersey - \$14,400.00 (\$1,200.00/month)
2. Personal Touch Cleaners, Marlboro, New Jersey - \$36,000.00 (\$3,000.00/month)
3. White Lamb Cleaners, Morganville, New Jersey - \$39,000.00 (\$3,250.00/month)

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$21,000.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to Sunrise Cleaners for the purchase of the aforementioned services; and

WHEREAS, funds are available in Operating Account Number X-04-55-955-908 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said services;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the use of dry cleaning services from Sunrise Cleaners, 460 County Road 520, Marlboro, New Jersey 07746; and

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

- a. Sunrise Cleaners, Marlboro, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-332

A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND
SKYLOGIX FOR THE PURCHASE OF TWO FOUR-ZONE
FIELD LIGHT CONTROLS

WHEREAS, the Township of Marlboro Recreation and Parks Commission has informed the Township Council that a need exists for the Township of Marlboro to purchase two four-zone field light controls for the Vanderburg Soccer Complex; and

WHEREAS, the only vendor that manufactures the necessary equipment is Skylogix; and

WHEREAS, the Recreation and Parks Commission obtained a quotation from Skylogix to provide the necessary four-zone field light controls for \$3,100.00 per unit for a total cost of \$6,200.00; and

WHEREAS, the Recreation and Parks Commission has recommended that the Township Council authorize the

execution of a contract between the Township of Marlboro and Skylogix for the provision of said equipment; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to enter into a contract with Skylogix; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, authorizes contracts for goods under \$21,000.00 to be awarded without public bidding, except that for such contracts over \$3,150.00, the Township must solicit at least two competitive quotations, if practicable; and

WHEREAS, because Skylogix is the only vendor to manufacture the needed equipment, it was not practicable to solicit two competitive quotations.

NOW, THERE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Skylogix for the provision of two four-zone field light controls for an amount not to exceed \$6,200.00; 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. Skylogix
- b. Recreation and Parks Commission
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-333

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-05 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 8 South Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

September 10, 2005	1 - 3	PM
September 17, 2005	1 - 3	PM
October 8, 2005	2 - 4	PM
October 15, 2005	2 - 4	PM
November 5, 2005	2 - 4	PM

at Marlboro High School, 95 Main Street, Marlboro, N.J. 07746.

RESOLUTION # 2005-334

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 12-05 (On-Premise Merchandise) be and it is hereby granted to Marlboro Elementary School PTA, 100 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 22, 2005 from 7 - 10 PM at Marlboro Elementary School, 100 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2005-335

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 13-05 (Off Premise Merchandise) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 10, 2005 at 6:00 PM at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2005-336

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$248,644.13 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 \$248,644.13 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>
96-13	173/4	Loan Holding Group, LLC 339 Spring Valley Rd. c/o Solomon Dwek 200 Wall Street P.O. Box 98 West Long Branch, NJ 07764	\$ 49,291.46
02-11	173/4	Loan Holding Group, LLC 339 Spring Valley Rd. c/o Solomon Dwek 200 Wall Street P.O. Box 98 West Long Branch, NJ 07764	40,627.21
03-17	176/23	Richard Simon, Trustee Route 9 P.O. Box 238 Northfield, NJ 08225-0238	14,366.41
05-21	193.05/2	American Tax Funding, LLC 2 Hemingway Court Attn: Martha Moseley P.O. Box 862658 Orlando, FL 32886-2658	103,246.38
05-28	332/9	Crusader Servicing Corp. 91 Ottawa Rd. South 179 Washington Lane Jenkintown, PA 19046	40,648.88
05-40	255/21	Michael Mastellone 19 Georgian Bay Dr. P.O. Box 109 Cedar Knoll, NJ 07927	463.79
TOTAL:			<u>\$248,644.13</u>

RESOLUTION # 2005-337

WHEREAS, current sewer charges in the amount of \$292.14 for Block 188 Lot 1, located at 3 Johnson Circle, assessed to Edward Braunstein, have been paid by Crusader Servicing Corp., lienholder of the Tax Sale Certificate #05-19 on the above-referenced property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$292.14 be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2005-338

WHEREAS, Veteran deductions totaling \$1,250.00 have been granted as per the attached Schedule "A" for the year 2005,

WHEREAS, taxes for the year 2005 have unpaid balances as per the attached Schedule "A",

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 OWNERS</u>	<u>AMOUNT</u>
193.13	32	Richard & Susan Mazor 255 Sunderland Ct. Marlboro, NJ 07746	\$250.00
288	29 C0045	Mario & Ann Toscano 45 Aspen Avenue Englishtown, NJ 07726	250.00
288	29 C0431	Pasquale & Rose Mininni 431 Bayberry Ct. Englishtown, NJ 07726	250.00
371	191	Herbert & Miriam Matmon 12 Abbey Lane Marlboro, NJ 07746	250.00

412	2	Alan & Gladys Krelenstein	250.00
1-A Steeplechase Dr.		1-A Steeplechase Drive	
		Marlboro, NJ 07746	

TOTAL: \$1,250.00

RESOLUTION 2005-339

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year, 2005, as per the attached Schedule "A",

WHEREAS, the 2005 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$4,423.47,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$4,423.47 as noted above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
153	109	Rajanisri Venugopal	\$ 4,423.47
10 Chaimoix Lane		10 Chaimoix Lane	
		Morganville, NJ 07751	
360	25.37	Chau Ming & Salina Ho Yuen	(12,181.20)
8 Whipple Way		8 Whipple Way	
		Marlboro, NJ 07746	
360	25.38	Cheuk Wai & Gladys Lyanna Lau	315.33
6 Whipple Way		6 Whipple Way	
		Marlboro, NJ 07746	
360	25.39	Vincent & Jeanne Yannacci	720.21
4 Whipple Way		4 Whipple Way	
		Marlboro, NJ 07746	
360	25.40	K. Hovnanian @ Marlboro	11,145.66
2 Whipple Way		Twp VIII, LLC	
		110 Fieldcrest Avenue	
		Edison, NJ 08818	
		TOTAL:	<u>\$ 4,423.47</u>

RESOLUTION # 2005-340

WHEREAS, payments for the 2005 first half taxes have been paid by the former assessed owner, Highland Crest, Inc., in the amount of \$226.43 for Block Lot 53.11, located on Oran Place, based upon the preliminary bill, and,

WHEREAS, the above-mentioned property is now assessed to the Township of Marlboro and is tax exempt for the year 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$226.43 to Highland Crest, Inc.

RESOLUTION # 2005-341

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2005, and,

WHEREAS, the 2005 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$22,517.45 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
119	13	Virginia Vigliante	\$ 152.52
133 Ticetown Road		12 Whittier Drive Manalapan, NJ 07726	
193.13	127	Rosemont Estates II, LLC	21,387.92
246 Bolton Lane		242 Route 79, STE. 9 Morganville, NJ 07751	
300.01	17	40 Church Road Associates, LLC	141.25
40 Church Road		12 Ardmore Road Marlboro, NJ 07746	
305	1	Anthony & Carmela Lauto	835.76
250 Gordons Corner Rd		4 Sherri Drive Manalapan, NJ 07726	

TOTAL: \$22,517.45

RESOLUTION # 2005-342

WHEREAS, there are taxes for the first half of the year 2005 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 360.02 Lot 18.63, assessed to Western Monmouth Utilities, located on 60 Rutledge Road,

WHEREAS, the aforementioned property is now tax exempt, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2005 first half taxes totaling \$1,465.44 as stated above.

RESOLUTION # 2005-343

WHEREAS, an overpayment of 2005 taxes has been received in the amount of \$1,190.14, for Block 326 Lot 23, located at 62 Ottawa Road South, assessed to Mark Z. & Alison Levy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$1,190.14 to the above-referenced owners.

RESOLUTION # 2005-344

WHEREAS, the Tax Assessor has granted disabled veteran exemptions for the year 2005 as per the attached Schedule "A",

WHEREAS, taxes were billed for the year 2005 second half in the amount of \$4,927.99,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the second half taxes totaling \$4,927.99 as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
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258	29	Donald & Iris Klieger	\$3,937.23
14 Georgian Bay Dr.		14 Georgian Bay Dr.	
		Morganville, NJ 07751	
412	307 C0038	Alice & Harold Walters	990.76
38 Thrasher Court		38 Thrasher Court	
		Marlboro, NJ 07746	
TOTAL:			<u>\$4,927.99</u>

RESOLUTION # 2005-345

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the year 2005,

WHEREAS, the aforementioned properties was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2005 taxes totaling \$8,446.61 as stated above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
101	17.06	Township of Marlboro	\$ 816.40
Dawes Drive			
155	4.01	Township of Marlboro	5,294.83
Four Columns Drive			
155	4.17	Township of Marlboro	2,335.38
Four Columns Drive			
TOTAL:			<u>\$ 8,446.61</u>

The following Resolution # 2005-346 (Special Closed Session Meeting - August 16, 2005 - 7:30PM) was introduced by reference, offered by Council Vice President Morelli seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2005-346

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on August 16, 2005 at 7:30 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, litigation, and personnel. Citizen's Voice will be limited to 15 minutes. Action may be taken following the executive session.

At 1:00AM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Mione).

MINUTES APPROVED: September 22, 2005

OFFERED BY: Morelli AYES: 4

SECONDED BY: Denkensohn NAYS: 0

ABSTAIN: Mione

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT