

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 22, 2005

The Marlboro Township Council held a Special Executive Session at 7:30 PM before the regularly scheduled Council Meeting of September 22, 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 September 16, 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 (8:10pm), Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andy Bayer, Esq., Municipal Clerk Alida DeGaeta and Deputy Municipal Clerk Deborah Usalowicz.

At 7:35PM, Council President Pernice moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman Denkensohn, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-377

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 22nd day of September, 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. Action will be taken following the executive session.

At 8:30PM, Council President Pernice moved that the executive session be opened. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

The Marlboro Township Council held its regularly scheduled Council meeting on September 22, 2005 at 8:35PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Boy Scout Troup #86 led the salute to the flag.

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, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andy Bayer, Esq., Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Council Vice President Morelli moved that the minutes of August 11, 2005 be approved. This motion was seconded by

Councilman Denkensohn and the minutes were passed on a roll call vote of 4 - 0 with Councilman Mione abstaining.

Council President Pernice opened the Public Hearing on Ordinance # 2005-37 (Swim Utility Bond Ordinance). After the Public Hearing, the following Resolution # 2005-378/Ord. # 2005-37 (Swim Utility Bond Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-378

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

ORDINANCE # 2005-37

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS AND OTHER RELATED EXPENSES TO THE TOWNSHIP'S SWIM UTILITY AND APPROPRIATING \$446,250 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$446,250 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on September 8, 2005, public hearing held September 22, 2005, be adopted on second and final reading this 22nd day of September, 2005.

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

ORDINANCE # 2005-37

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS AND OTHER RELATED EXPENSES TO THE TOWNSHIP'S SWIM UTILITY AND APPROPRIATING \$446,250 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$446,250 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$446,250. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$446,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(1) Purpose: Acquisition of outdoor umbrellas, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$157,500
Maximum Amount of Bonds or Notes:	\$157,500
Period or Average Period of Usefulness:	15 years

(2) Purpose: Improvements to the Swim Utility Pavilion, as more

fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$105,000
Maximum Amount of Bonds or Notes: \$105,000
Period or Average Period of Usefulness: 15 years

(3) Purpose: Various playground improvements, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$52,500
Maximum Amount of Bonds or Notes: \$52,500
Period or Average Period of Usefulness: 15 years

(4) Purpose: Improvements to Swim Utility bulkhead, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$105,000
Maximum Amount of Bonds or Notes: \$105,000
Period or Average Period of Usefulness: 15 years

(5) Purpose: Construction of volleyball court at Swim Utility, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$26,250
Maximum Amount of Bonds or Notes: \$26,250
Period or Average Period of Usefulness: 15 years

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

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as a self liquidating improvement of a municipal public utility, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$446,250, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law

(d) An aggregate amount not exceeding \$21,250 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the

Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Pernice opened the Public Hearing on Ordinance #2005-38 (Amending various sections Chapter 132

- Swim Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-379/Ord. #2005-38 (Amending various sections Chapter 132 - Swim Fees) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-379

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

ORDINANCE # 2005-38

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132 "SWIMMING POOL FACILITY, MUNICIPAL" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on September 8, 2005, public hearing held September 22, 2005, be adopted on second and final reading this 22nd day of September, 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 #2005-39 (Emergency Not Ordinance - Tax Map Update). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-380/Ord. #2005-39 (Emergency Not Ordinance - Tax Map Update) was introduced by reference, offered by Council Vice President Morelli, seconded Council President Pernice and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-380

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

ORDINANCE # 2005-39

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$525,000 FOR THE PREPARATION OF AN APPROVED TAX MAP FOR THE

TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY

which was introduced on September 8, 2005, public hearing held September 22, 2005, be adopted on second and final reading this 22nd day of September, 2005.

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

ORDINANCE # 2005-39

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$525,000 FOR THE PREPARATION OF AN APPROVED TAX MAP FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for the preparation of an approved tax map for the municipality; and

WHEREAS, the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") has determined to undertake the preparation of an approved tax map for the Township; and

WHEREAS, the estimated cost of preparing an approved tax map is \$525,000; NOW THEREFORE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$525,000 is hereby appropriated for the preparation of an approved tax map for the Township, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized by this ordinance and as provided in N.J.S.A. 40A:4-55.

Section 3. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect upon final passage and publication as required by law.

Council President Pernice opened the Public Hearing on Ordinance #2005-40 (Improper Disposal of Waste and Illicit Connection Ordinance). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-381/Ord. #2005-40 (Improper Disposal of Waste and Illicit Connection Ordinance) was introduced by reference, offered by Councilman Mione, seconded Councilman Denkensohn and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-381

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

ORDINANCE # 2005-40

AN ORDINANCE ADOPTING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED CHAPTER 125 "SEWER - STORMWATER"

which was introduced on September 8, 2005, public hearing held September 22, 2005, be adopted on second and final reading this 22nd day of September, 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 #2005-41 (Pet Waste and Wildlife Feeding Ordinance). After the Public Hearing, the following Resolution # 2005-382/Ord. #2005-41 (Pet Waste and Wildlife Feeding Ordinance) was introduced by reference, offered by Council Vice President Morelli and seconded by Councilman Mione. After discussion, the resolution/ ordinance was passed on a roll call vote of 4 - 1 in favor with Councilman Cantor voting no.

RESOLUTION # 2005-382

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

ORDINANCE # 2005-41

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
59 "DOGS AND OTHER ANIMALS" TO INCLUDE A NEW
ARTICLE ENTITLED "PET WASTE" AND A NEW ARTICLE
ENTITLED "WILDLIFE FEEDING"

which was introduced on September 8, 2005, public hearing held September 22, 2005, be adopted on second and final reading this 22nd day of September, 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 #2005-42 (Litter and Yard Waste Ordinance). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-383/Ord. #2005-42 (Litter and Yard Waste Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-383

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

ORDINANCE # 2005-42

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
72 "SOLID WASTE SERVICES" AND DELETING CHAPTER
90 "LITTERING AND HANDBILLS"

which was introduced on September 8, 2005, public hearing held September 22, 2005, be adopted on second and final reading this 22nd day of September, 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 #2005-43 (Amending Chapter 48 Brush & Garbage). After the Public Hearing, the following Resolution # 2005-384/Ord. #2005-43 (Amending Chapter 48 Brush & Garbage) was introduced by reference, offered by Councilman Mione, seconded Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-384

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

ORDINANCE # 2005-43

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 48 "BRUSH AND GARBAGE"

which was introduced on September 8, 2005, public hearing held September 22, 2005, be adopted on second and final reading this 22nd day of September, 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 #2005-44 (Plot Plan Ordinance). As there was no one who wished to speak, the Public Hearing was closed. Council President Pernice motioned to table Resolution # 2005-385/Ord. #2005-44 (Plot Plan Ordinance) to the October 6, 2005 Council meeting pending review by the Marlboro Township Planning Board. Motion to table was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Pernice opened the Public Hearing on Ordinance #2005-45 (Ornamental Landscape Structure). As there was no one who wished to speak, the Public Hearing was closed. Council President Pernice motioned to table Resolution # 2005-386/Ord. #2005-45 (Ornamental Landscape Structure) to the October 6, 2005 Council meeting for pending review by the Marlboro Township Planning Board. Motion to table was seconded by Councilman Denkensohn, and

as there was no objection, the Clerk was asked to cast one ballot.

Council President Pernice opened the Public Hearing on Ordinance #2005-46 (Off Street parking and garages). As there was no one who wished to speak, the Public Hearing was closed. Council President Pernice motioned to table Resolution #2005-387/Ordinance #2005-36 (Off street parking and garages) to the October 6, 2005 Council meeting pending review by the Marlboro Township Planning Board. Motion to table was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2005-388/Ord. #2005-47 (Stormwater Control Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-388

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

ORDINANCE # 2005-47

AN ORDINANCE DELETING SECTION 84-104 "STORMWATER MANAGEMENT", ARTICLE VIII "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND ADOPTING A NEW ARTICLE ENTITLED ARTICLE IX "STORMWATER MANAGEMENT" OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS"

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 October 6, 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.

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 Section 84-104 "Stormwater Management" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is deleted in its entirety and said section shall be reserved for future use; and

BE IT FURTHER ORDAINED, that a new article entitled Article IX "Stormwater Management" shall be added to Chapter 84 "Land Use Development and Regulations" and shall read in its entirety as follows:

"Article IX, Stormwater Management

§ 84-150. Scope and Purpose.

Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

Purpose

It is the purpose of this article to establish minimum stormwater management requirements and controls for "major development," as defined in § 84-151.

C. Applicability

1. This article shall be applicable to all site plans and subdivisions for the following major

developments that require preliminary or final site plan or subdivision review:

- a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not regulated by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This article shall also be applicable to all major developments undertaken by Township of Marlboro.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall apply.

§ 84-151. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"Agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the

development of land for the processing or sale of food and the manufacturing of agriculturally related products.

"Compaction" means the increase in soil bulk density.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County Review Agency" means an agency designated by the County Board of Chosen Freeholders to review the Township of Marlboro's stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the New Jersey Department of Environmental Protection.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural

Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody. "Environmentally critical areas" means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Flood Hazard Area" Area of potential risk due to sudden and temporary increase of surface water flow due to a storm event, typically, the 100-year storm.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land or results in a net increase of one-quarter (1/4) acre or more of impervious surface. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

"Municipality" means any city, borough, town, township, or village.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities that are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, the Township of Marlboro or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" shall include both hazardous and non-hazardous pollutants.

"Recharge" means the volume of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"Solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

"Source Controls"

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

"State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

"Total suspended solids" The sum of dissolved and undissolved solids and particulate matter of a buoyancy and/or specific gravity that prohibits their settling in runoff.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 84-152. General Standards.

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in § 84-153. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
2. The standards in this article apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Note: Alternative standards shall provide at least as much protection from stormwater-

related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

§ 84-153. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 84-159.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 84-153(F) and (G):
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14-feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 84-153(F) and (G) may be obtained for the enlargement of an existing public roadway; or the

construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of § 84-153(F) and (G) to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of § 84-153(F) and (G), existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 84-153(F) and (G) that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in § 84-153(F) and (G) shall be met by incorporating nonstructural stormwater management strategies set forth at § 84-153(E) into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in § 84-153(E)(2) below into the design of a particular project, the applicant

shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:
 - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - c. Maximize the protection of natural drainage features and vegetation;
 - d. Minimize the decrease in the time of concentration from pre-construction to post construction.
 - e. Minimize land disturbance including clearing and grading;
 - f. Minimize soil compaction;
 - g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - (1) Site design features that help to prevent accumulation of trash and

debris in drainage systems, including features that satisfy § 84-153(E)(3) below;

(2) Site design features that help to prevent discharge of trash and debris from drainage systems;

(3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under § 84-153(E)(2)(i)(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For exemptions to this standard see § 84-153(4)(E)(3)(c) below.

a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater

than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- c. This standard shall not apply under the following conditions or situations:
 - (1) Where the Township Engineer determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - (2) Where flows from the water quality design storm as specified in § 84-153(G)(1) are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.
 - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in § 84-153(G)(1); or
 - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in § 84-153(G) and (F) shall be dedicated to a government agency, subjected to a conservation restriction filed with the Office of the Monmouth County Clerk, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the Township Engineer is maintained in perpetuity.
5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 84-156, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff
Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - b. The minimum design and performance standards for groundwater recharge are as follows:
 - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 84-154, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.

(3) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other

industrial activities that are exposed to stormwater.

(4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 84-154, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the

analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

2. Any application for a new agricultural development that meets the definition of major development at § 84-151 shall be submitted to the Freehold Soils Conservation District (FSCD) for review and approval in accordance with the requirements of this section and any applicable FSCD guidelines for stormwater runoff quantity and erosion control.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4-acre of impervious surface is being proposed on a

development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time Cumulative Rainfall (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Time (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 84-156, or found on the Department's

website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in § 84-156. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency.

3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:
 - $R = A + B - (AB)/100$ Where
 - R = total TSS percent load removal from application of both BMPs, and
 - A = the TSS percent removal rate applicable to the first BMP
 - B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice Percent Removal Rate (Percent)	TSS
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in § 84-153(F) and (G).
6. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
7. Special water resource protection areas have been established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas have been established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
 - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
 - (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from

the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession.

- (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
- b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
- c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey,"

established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

- (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
 - (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
 - (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - (5) All encroachments proposed under this section shall be subject to review and approval by the Department.
- d. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004 , provided that the construction begins on or before February 2, 2009.

§ 84-154. Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
 - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 - Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds; or
 - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at § 84-154(A)(1)(a) and the Rational and Modified Rational Methods at § 84-154(A)(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds and other methods may be employed.
 5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:
1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at;
<http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway
P.O. Box 427 Trenton, New Jersey 08625-0427.

C. Designs of stormwater conduit systems shall utilize the Sandy Hook, 25-year, Rainfall.

§ 84-155. Standards for Structural Stormwater Management Measures.

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 84-157(D).
3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
 5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 84-157.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 84-153.
- C. Manufactured treatment devices may be used to meet the requirements of § 84-153, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

§ 84-157. Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

Note: The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins. Marlboro Township and Monmouth County stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in § 84-157(B)(1), (2) and (3) for trash racks, overflow grates, and escape provisions at outlet structures.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.

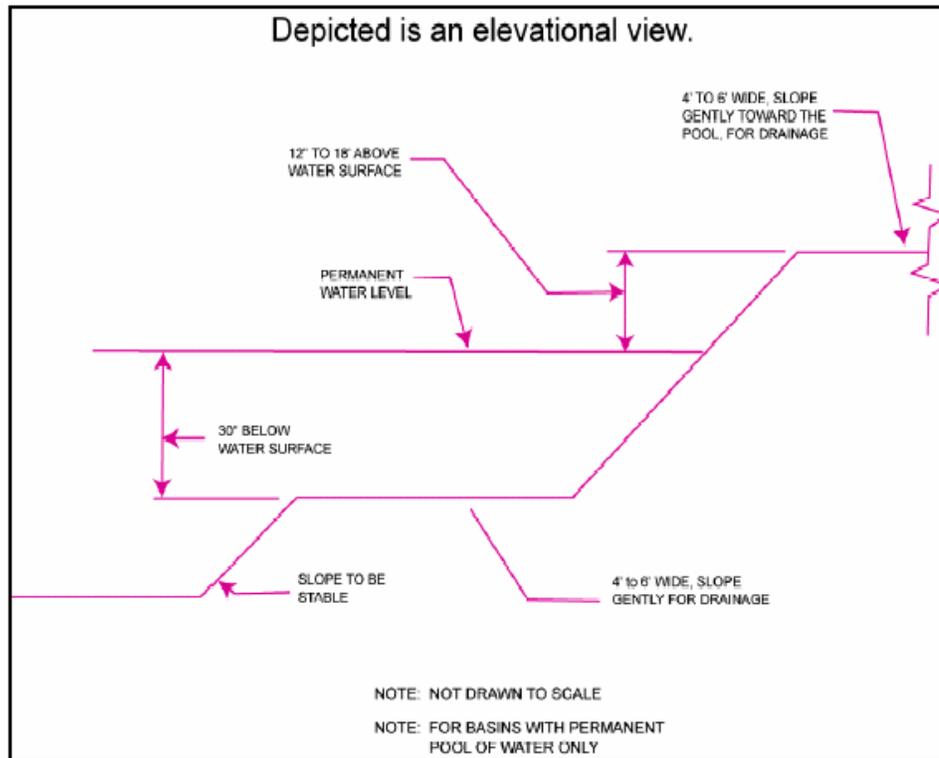
- c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in § 84-157(C) a freestanding outlet structure may be exempted from this requirement.
 - b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 84-157(D) for an illustration of safety ledges in a stormwater management basin.
 - c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by

the appropriate reviewing agency, The Township of Marlboro, the County of Monmouth or the Department, that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



§ 84-158. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 84-158(C) below as part of the submission of the

applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [specify number] copies of the materials listed in the checklist for site development stormwater plans in accordance with § 84-158(C).

B. Site Development Stormwater Plan Approval - The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements - The following information shall be required:

1. Topographic Base Map
The Township Engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant

natural and manmade features not otherwise shown.

2. Environmental Site Analysis
 - A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
3. Project Description and Site Plan(s)
 - A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
4. Land Use Planning and Source Control Plan
 - This plan shall provide a demonstration of how the goals and standards of Sections 84-152 through 84-155 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
5. Stormwater Management Facilities Map - The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations
 - a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and postdevelopment conditions for the design storms specified in § 84-153.
 - b. When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
7. Maintenance and Repair Plan - The design and planning of the stormwater management facility shall meet the maintenance requirements of § 84-159.
8. Waiver from Submission Requirements - The Township Engineer or, if applicable, Board

Engineer in consultation with the Township Engineer, may waive submission of any of the requirements in § 84-158(C)(1) through (C)(6) when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 84-159. Maintenance and Repair.

A. Applicability

1. Projects subject to review as in § 84-150(C) shall comply with the requirements of § 84-159(B) and (C).

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the Township in a

residential development or project. Responsibility for facilities located in commercial or industrial development sites shall be the owner of the site. A named individual shall be responsible for the safety and maintenance of said facility. The posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 shall be required for all facilities not dedicated to the Township or other public agency.

4. If the person responsible for maintenance identified under § 84-159(B)(2) above is not a public agency, the maintenance plan and any future revisions based on § 84-159(B)(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under § 84-159(B)(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders. This log shall be made available for inspection at the request of the Township, County, or the Department.
7. The person responsible for maintenance identified under § 84-159(B)(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under § 84-159(B)(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 84-159(B)(6) and (B)(7) above.
9. The requirements of Sections 84-159(B)(3) and (B)(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

- B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 84-160. Penalties.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be subject to the following penalties:

Failure to comply with any provisions of this Section shall be considered a violation of the Coded Ordinances of the Township of Marlboro and shall be punishable by a fine of one thousand dollars (\$1,000.00) or ninety (90) days in jail, or both. Each day of such violations continuance shall be considered as a separate offence and shall be separately punishable. These penalties shall not be in the exclusive remedy available, and nothing in this ordinance shall prevent an applicant from obtaining injunctive relief.

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.

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, publication and approval by the county review agency in accordance with applicable law.

Council President Pernice motioned to carry Resolution # 2005-389/Ord. #2005-48 (Amend Fees - Bulk Variances) to the October 6, 2005 Council meeting, which was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2005-390/Ord. #2005-49 (Amend Section 184-14.3 - Fees Exemption - Non-profit Organization.) was introduced by reference, offered by Councilman Mione, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-390

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

ORDINANCE # 2005-49

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 184-14.3 "EXEMPTIONS FROM FEES", ARTICLE II "LAND USE PROCEDURES", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" 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 October 6, 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 # 2005-49

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 184-14.3 "EXEMPTIONS FROM FEES", ARTICLE II "LAND USE PROCEDURES", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Section 184-14.3 of the Code of the Township of Marlboro currently exempts "charitable, philanthropic, fraternal and religious nonprofit organizations" from the normal application fees and escrow deposits required under Chapter 84 "Land Use Development and Regulations"; and

WHEREAS, the Mayor and the Township Council desire to amend said section to clarify that athletic and recreational nonprofit organizations are also exempt from such fees.

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 Section 184-14.3 "Exemptions from Fees", Article II "Land Use Procedures", Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended to read in it entirety as follows (additions to said section are underlined and deletions are crossed-out) :

§ 184-14.3. Exemptions from fees.

Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be exempt from the normal application fees and escrow deposits required under this chapter. Said exemption shall be granted upon application to the Township Council, along with proof of said tax exempt status. If granted, said exemption shall be confirmed by resolution of the Township Council.

Deleted: on a case-by-case basis

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.

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 # 2005-391/Ord. #2005-50 (Daily Parking - Union Hill Park) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-391

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

ORDINANCE # 2005-50

AN ORDINANCE AMENDING SECTION 138-37 "ADDITIONAL PARKING AND TRAFFIC REGULATIONS", ARTICLE XIII "SEMIPUBLIC AND PRIVATE ROADS AND PARKING AREAS", CHAPTER 138 "VEHICLES AND TRAFFIC" AND ARTICLE IA "DAILY PARKING SECTION OF UNION HILL LOT", CHAPTER 103 "PARKING: MUNICIPAL FACILITIES" 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 October 6, 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 # 2005-50

AN ORDINANCE AMENDING SECTION 138-37 "ADDITIONAL PARKING AND TRAFFIC REGULATIONS", ARTICLE XIII "SEMIPUBLIC AND PRIVATE ROADS AND PARKING AREAS", CHAPTER 138 "VEHICLES AND TRAFFIC" AND ARTICLE IA "DAILY PARKING SECTION OF UNION HILL LOT", CHAPTER 103 "PARKING: MUNICIPAL FACILITIES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Union Hill Road Commuter Parking Lot currently contains a daily parking section in which persons are permitted to park for a daily parking fee of \$1.00; and

WHEREAS, the Mayor and the Township Council now desire to transfer said daily parking section to the newly constructed Union Hill Recreation Parking Lot.

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 Subsection F "Exclusive Plaza" of Section 138-37 "Additional Parking and Traffic Regulations" be and hereby is deleted in its entirety as no longer applicable and the remaining

subsections of that section are recodified accordingly;
and

BE IT FURTHER ORDAINED that subsection I(3) "Union Hill Road Commuter Parking Lot" of Section 138-37 "Additional Parking and Traffic Regulations" be and hereby is deleted in its entirety as no longer applicable and the remaining subsections of that subsection are recodified accordingly; and

BE IT FURTHER ORDAINED that Subsection A of Section 103-3 "Permit Parking Designated; Regulations" of Chapter 103 "Parking: Municipal Facilities" be and hereby is amended to read as follows (additions to said subsection are underlined and deletions are crossed-out):

"A. Unless otherwise permitted by this chapter, parking on said lands and premises designated in § 103-2 shall be permitted by permit only, which shall be evidenced by a permit issued to the owner of the motor vehicle."

Deleted: P

Deleted: hereinbefore

BE IT FURTHER ORDAINED that Article IA "Daily Parking Section of Union Hill Lot" of Chapter 103 "Parking: Municipal Facilities" is hereby amended to read as follows (additions to said article are underlined and deletions are crossed-out):

"ARTICLE IA, Daily Parking Section of Union Hill Recreation Parking Lot

Deleted: Lot

§ 103-9.1. Purpose.

This article is adopted for the same purpose as § 103-1 of this chapter.

§ 103-9.2 Applicability of provisions.

The provisions, rules and regulations of this article pertain only to the appropriately marked daily parking section of the Union Hill Recreation Parking Lot.

Deleted: the

Deleted: and Ride

§ 103-9.3 Manner of parking; regulations; fee.

A. Parking in the daily parking section of the Union Hill Recreation Parking Lot, shall be

Deleted: the Park and Ride Facility

permitted on a first-come, first-serve basis and no decal or permit shall be required to park in the aforesaid facility. The daily parking fee shall be \$1, which must be deposited in bill or coin in the appropriately marked drop box. The fee must be inserted immediately after the vehicle was parked and it must be inserted in the slot bearing the same number as the parking stall.

Deleted: at the upper level near the bus shelters

B. No vehicle shall be parked except within a single designated parking space where indicated by marked lines on the surface of the parking area or as may be directed by the police or attendant in charge of the parking area or by a control sign indicating the designated area to park.

Deleted: B. Parking in the daily parking section shall be in parking stalls designated and marked for daily parking only. Stalls designated and marked for "General Public" may be used by any person; stalls marked for use by Marlboro residents only are restricted to use by Marlboro Township residents.

Deleted: c

C. No trailers, trucks or buses shall be parked in the aforesaid facility. No vehicle shall be parked within the entrance or exit to the aforesaid facility.

Deleted: d

§ 103-9.4. Violations and penalties.

A. In the case of a violation of any provision of this article, the person so parking and the owner of the vehicle shall be liable to a fine of not more than \$500 or 90 days on the county jail, or both.

B. Each day that such a violation occurs shall be a separate and distinct violation. Payment of such fine may be made to the Court Violation Clerk of the Township Municipal Court upon a plea of guilty, unless "Court Appearance Required" is marked. Except in such case, the amount of fine will be designated on the complaint.

C. Any vehicle parked in any such parking area in violation of this article may be removed from the parking area upon order of any police officer, and the owner thereof shall pay the reasonable cost of such removal and storage

which may result for such removal before being allowed to regain possession of the vehicle, and such costs of removal and storage shall be in addition to any penalty or fine hereinbefore provided.

§ 103-9.5 Nonapplicability.

This article shall not apply to any municipal vehicles registered to the Township of Marlboro or to any vehicles engaged in police work."

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.

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.

The following Resolution # 2005-392/Ord. #2005-51 (Traffic Regulations - Orchards) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-392

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

ORDINANCE # 2005-51

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

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 October 6, 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 # 2005-51

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

WHEREAS, the Township of Marlboro desires to make Subtitle One of Title 39 of the revised statutes of New Jersey applicable to the semi-public roads, streets, driveways and parking lots at the Orchards at Marlboro Condominiums.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, that Jo Ann M. Greenstein, representing Advantage Property Management, has filed a written consent with the Township of Marlboro that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at Orchards at Marlboro Condominiums located in the Township of Marlboro, County of Monmouth and the following regulations shall be enforceable to said roads, streets, driveways and parking lots, thereby amending and supplementing Chapter 138 "Vehicles and Traffic" of the Code of the Township of Marlboro:

REGULATIONS:

1. General Parking:

A. All vehicles must park in designated areas and between the lines provided.

B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below. Except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
All Roads and Aisles	Both	All	As Indicated on the Site Plan

C. Handicapped Parking:

All stalls shall be 12 foot wide as shown on the attached Site Plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who been issued the Handicapped Parking Permit by the Motor Vehicle Commission.

2. Reserved Parking:

All vehicles that are granted specialty parking in this section such as; police vehicles, ambulances, teachers, etc. must be properly identified and the reserved parking spaces must be shown on the attached site plan.

3. Through Streets and Stop Intersections:

A. Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the Through Street except where Yield signs are provided for in the designation.

<u>Name of Street</u>	<u>Limits</u>
Tangerine Drive	Entire Length

B. Stop Intersections:

The following described intersections are hereby designated as Stop intersections. Stop signs shall be installed as provided therein.

<u>Intersection</u>	<u>Stop Sign(s) on</u>
Belil Drive and Orange Drive	Orange Drive

4. One-Way Streets:

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated.

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
Orange Drive Circle	Counter-Clockwise	Entire Length
Pear Drive	Clockwise	Entire Length
Tangerine Drive	Clockwise	Between Tangerine Lane and Pear Drive
Plum Drive North	Counter-Clockwise	Between Plum Drive South and Tangerine Drive
Plum Drive South	Counter-Clockwise	Between Tangerine Drive and Plum Drive North

5. Speed Limits:

A. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>M.P. H.</u>	<u>Limits</u>
All Roads	15	Entire Length

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

6. Tow-Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials be installed and paid for by the applicant. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

BE IT FURTHER ORDAINED, that, unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any

supplement thereto shall be liable to a penalty of not more than (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

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 # 2005-393 (Zoning Board Appointments - to fill unexpired term of Jack Zatz expiring 12/31/05 - Michael Mahon - to fill unexpired term of Seth Goldzweig expiring 12/31/05 - Glenn Malysz) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 1 in favor with Councilman Denkensohn voting no.

RESOLUTION # 2005-393

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint MICHAEL MAHON as a member of the Zoning Board of Adjustment, to fill the unexpired term of Jack Zatz, such term to expire December 31, 2005; and

WHEREAS, the Township Council wishes to appoint GLENN MALYSZ as a member of the Zoning Board of Adjustment, to fill the unexpired term of Seth Goldzweig, such term to expire December 31, 2005; and

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

That it hereby appoints MICHAEL MAHON and GLENN

MALYSZ to serve as members of the Marlboro Township Zoning Board of Adjustment in the positions specified above, and for the terms indicated above.

The following Resolution # 2005-408 (Special Council Meeting - Sept. 26, 2005 - 8:00PM) was introduced by reference, offered by Council President Pernice, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-408

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on September 26, 2005 at 8:00 PM at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N. J. 07746. The purpose of the special meeting is to hold an executive session for the purpose of discussing litigation. Citizen's Voice will be limited to 15 minutes. Action may be taken following the executive session.

Motion to table Resolution # 2005-321 (Tabled 8/11 - Authorizing Agreement - Bluh & Batelli) to the September 26, 2005 meeting was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor of tabling.

The following Resolution # 2005-394 (Authorizing Professional Service Contract - Scarinci & Hollenbeck - Marlboro Hospital) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-394

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SPECIAL ENVIRONMENTAL COUNSEL SERVICES BETWEEN THE TOWNSHIP OF MARLBORO AND PATRICK MCNAMARA, ESQ. OF SCARINCI AND HOLLENBECK, LLC

WHEREAS, there exists a need for the Township Attorney, Michael H. Gluck, to employ special

environmental counsel to provide legal services to the Township of Marlboro with respect to the potential acquisition of the Marlboro State Psychiatric Hospital property from the State of New Jersey; and

WHEREAS, the Township Attorney, Michael H. Gluck, is authorized pursuant to Section 4-70 of the Township Code of the Township of Marlboro and the Professional Services Agreement between the Township of Marlboro and GluckWalrath, LLP to hire such additional counsel as he deems necessary, with the authorization of the Township Council; and

WHEREAS, the Township Attorney, Michael H. Gluck, has deemed it necessary and in the best interest of the municipality to hire Patrick McNamara, Esq. of Scarinci and Hollenbeck, LLC to provide special environmental counsel services to the Township of Marlboro with respect to the potential acquisition of the Marlboro State Psychiatric Hospital property for an amount not to exceed \$10,000.00; 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 Township Attorney, Michael H. Gluck, is hereby authorized to execute a contract between Patrick McNamara, Esq. of Scarinci and Hollenbeck, LLC and the Township of Marlboro for the provision of special environmental counsel services with respect to the potential acquisition of the Marlboro State Psychiatric Hospital property from the State of New Jersey for an amount not to exceed \$10,000.00. Mr. McNamara shall perform only those legal services authorized by the Township Attorney; 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. Patrick McNamara, Esq. of Scarinci and Hollenbeck, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2005-367 (Tabled 9/8 - Authorizing Sale of Surplus Property) was introduced by reference, offered by Councilman Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-367

A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE

WHEREAS, the Township of Marlboro wishes to dispose of certain items of personal property which are in the Township's possession and not otherwise needed for public use; and

WHEREAS, the Business Administrator and Superintendent of Public Works have estimated that the fair market value of the said items exceeds \$3,150.00; and

WHEREAS, N.J.S.A. 40A:11-36 requires that personal property of a municipality, not otherwise needed for public use, must be sold at public sale to the highest bidder(s), if the estimated fair market value of the property exceeds \$3,150.00 in any one sale; and

WHEREAS, notice of the date, time and place of the public sale of the aforementioned personal property of the Township of Marlboro is to be advertised in the Asbury Park Press pursuant to N.J.S.A. 40A:11-36.

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

1. The Township is authorized to hold a public sale as advertised to dispose of the items on the attached list, which are not otherwise needed for public use, to the highest bidder(s).
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Judith Tiernan, Business Administrator
 - b. Robert Holmes, Chief of Police
 - c. James Priolo, Township Engineer
 - d. Robert DiMarco, Superintendent of Public Works
 - e. Gluck Walrath & Lanciano, LLP

The following Resolution # 2005-395 (Bus Shelter - Route 79 & Ryan Road Texas Road and Route 9) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-395

A RESOLUTION ESTABLISHING A BUS STOP AND REQUESTING A BUS SHELTER AT THE INTERSECTION OF ROUTE 79 NORTH AND RYAN ROAD AND REQUESTING AN ADDITIONAL BUS SHELTER FOR THE BUS STOP LOCATED AT THE INTERSECTION OF ROUTE 9 AND TEXAS ROAD WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, NJ TRANSIT has funds for the purchase of bus shelters throughout the State of New Jersey; and

WHEREAS, the governing body of a municipality in New Jersey may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the Township of Marlboro, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction and now desires to establish a bus stop at the intersection of Route 79 North and Ryan Road and to

request the purchase and installation of a bus shelter at said location; and

WHEREAS, the Township of Marlboro further requests that an additional bus shelter be installed at the bus stop located at the intersection of Route 9 and Texas Road, because of the high volume of people who utilize such bus stop.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that, pursuant to N.J.S.A. 39:4-8(e), certain parts of municipal and state roads, described below shall be, and hereby are, designated and established as a "No Parking Bus Stop" zone:

Added Bus Stop: Along Route 79, northbound, on the easterly side thereof at - Ryan Road/Far Side, beginning at the northerly curblineline of Ryan Road and extending 100 feet therefrom.

BE IT FURTHER RESOLVED that the Township of Marlboro will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public; and

BE IT FURTHER RESOLVED that the Mayor or the Business Administrator and the Municipal Clerk be and hereby are authorized to execute such agreements with NJ TRANSIT which are necessary to arrange for the purchase and installation of bus shelters at the aforementioned bus stop located at the intersection of Route 79 North and Ryan Road and at the bus stop already located at Route 9 and Texas Road; and

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

- a. NJ TRANSIT
- b. New Jersey Commissioner of Transportation
- c. Chief of Police
- d. Township Administrator
- e. Gluck Walrath LLP

The following Resolution # 2005-396 (Bond Release Eagle Nest) was introduced by reference, offered by Council Vice President Morelli and seconded by Councilman Denkensohn. After discussion, the resolution was passed on a roll call vote of 4 - 1 in favor, with Councilman Mione voting no.

RESOLUTION # 2005-396

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE EAGLES NEST SUBDIVISION

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Eagles Landing, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the project known as the Eagles Nest Subdivision; 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 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; (2) the posting of a Maintenance Bond in the amount of \$183,577.84; and (3) the posting an escrow in the amount of \$1,000.00 to be applied to final inspection and project closeout at the termination of the maintenance period; 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 project known as the Eagles Nest Subdivision 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; (2) the posting of a

Maintenance Bond in the amount of \$183,577.84; and (3) the posting an escrow in the amount of \$1,000.00 to be applied to final inspection and project closeout at the termination of the maintenance period; and

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

- a. Eagles Landing, LLC
- b. Lumbermen's Mutual Casualty Co.
- c. First Savings Bank
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2005-397 (Requesting Approval of Refund of Items of Revenue) was introduced by reference, offered by Council President Pernice, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-397

RESOLUTION REQUESTING APPROVAL OF THE REFUND
OF ITEMS OF REVENUE

WHEREAS, Monies were collected by the Engineering Department in accordance with existing Township ordinances for both Road Opening Permits and Grading and Clearing Permits, and

WHEREAS, it has been deemed that these permits were not necessary for the reasons disclosed below,

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby authorizes the refund of the costs of these permits as outlined below.

Location of Work / Justification	Current	Trust
Vendor	Fund	Fund

NJ Natural Gas Co. 250 Deerfield Rd.	Road Opening Permit Builder responsibility	\$100.00	\$75.00
NJ Natural Gas Co. 4 Ingersoll Rd.	Road Opening Permit Work Cancelled	\$100.00	\$75.00
Goldenberg 307 Sinclair Court	Grading & Clearing Permit Work Completed by former owner	\$25.00	
Appelman 8 Jefferson Drive	Grading & Clearing Permit Dead Trees - No permit Required.	\$25.00	
DiBiase 6 Blossom Avenue	Grading & Clearing Permit Tree Removal	\$25.00	

The following Resolution # 2005-398 (Authorizing Agreement PSAP Grant) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-398

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO AN AGREEMENT WITH THE STATE OF NEW JERSEY, OFFICE OF TELECOMMUNICATIONS IN APPLYING FOR A PUBLIC SAFETY ANSWER POINT (PSAP) GRANT

WHEREAS, the grant program will consist of purchasing equipment and services for the police department, 9-1-1 communications services and equipment; and

WHEREAS, the equipment to be purchased are 4 chairs for 9-1-1 operators, headsets for all 9-1-1 operators, software for GIS mapping, 9-1-1 ANI/ALI Screens; and

WHEREAS, the service to be purchased is a 9-1-1 contract agreement with Verizon for repairs and replacement of 9-1-1 equipment; and

WHEREAS, the Township council desires to approve the purchase of said equipment and services in the amount of \$36,584.00 with no match required from the Township;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to apply for the PSAP Grant Program; and

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

- a. State of New Jersey, Office of Telecommunications
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-399 (Special Meeting - Oct. 11 - 8PM) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-399

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on October 11, 2005 at 8:00 PM at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N. J. 07746. The purpose of the special meeting is to have WMUA Executive Director Frank Abate and WMUA Commissioners appear before the Mayor and Council to provide information regarding their function, roles and the recent rate increase. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor: Res. #2005-400 (Raffle License Frank Dugan School PTA), Res. #2005-401 (Award of Contract - HVAC), Res. #2005-402 (Redemption Tax Sale Certs. - Various), Res. #2005-403 (Refunds for Overpayments - Various), Res. #2005-404 (Disabled Vet. Exemption - B. 329, Lot 4), Res. #2005-405 (Veteran Deduction - B. 371, L. 176) and Res. #2005-406 (Widow of Vet. Deduction - B. 202, L. 3.

RESOLUTION # 2005-400

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 15-05 (On Premise 50/50) be and it is hereby granted to Frank J. Dugan School PTA, 48 Topanemus Road, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on November 4, 2005 between the hours of 7 - 10 PM at the Frank J. Dugan School, 48 Topanemus Road, Marlboro, N. J. 07746.

RESOLUTION # 2005-401

A RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND AIRHANDLERS MECHANICAL SERVICES, INC. FOR THE PROVISION OF HEATING, VENTILATING AND AIR CONDITIONING (HVAC) SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2004-241, dated July 22, 2004, the Township of Marlboro awarded a one-year contract to Airhandlers Mechanical Services, Inc. to provide heating, ventilating and air conditioning (HVAC) services for the Department of Public Works, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2004-241, the parties entered into a contract for the provision of HVAC services dated July 22, 2004 (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 exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Airhandlers Mechanical Services, Inc.; and

WHEREAS, Administration and the Township of Marlboro Department 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 Airhandlers Mechanical Services; 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 Airhandlers Mechanical Services, Inc., P.O. Box 178, Haddon Heights, New Jersey 08035, for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Airhandlers Mechanical Services, Inc. and authorized by Resolution #2004-241; and

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

- a. Airhandlers Mechanical Services, Inc.
- b. Township Administrator
- c. Department of Public Works
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

RESOLUTION # 2005-402

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$304,148.58 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 \$304,148.58 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>
05-14	159/10	Wachovia-Coll Agt/	\$247,425.67

Pleasant Valley Rd.	SASS Muni IV Dtr 123 S. Broad St. PA 1328S Philadelphia, PA 19109	
05-17 178/2 C0397	Wachovia Cust. For Plym Pk Tax P.O. Box 2288 Morristown, NJ 07962-2288	8,653.38
397 Yorkshire Place		
05-23 270/8	Mike Mastellone P.O. Box 109 Cedar Knolls, NJ 07927	21,035.77
19 Route 520		
05-30 413.01/14	Wachovia Cust. For Plym Pk Tax P.O. Box 2288 Morristown, NJ 07962-2288	25,456.99
17 Arie Drive		
03-43 116/17	American Tax Funding, LLC Attn: Martha Moseley P.O. Box 862658 Orlando, FL 32886-2658	864.16
5 Lloyd Road		
03-54 305/190	American Tax Funding, LLC Attn: Martha Moseley P.O. Box 862658 Orlando, FL 32886-2658	712.61
11 Regina Road		
	TOTAL:	\$304,148.58

RESOLUTION # 2005-403

WHEREAS, the attached list in the amount of 30,088.19 known as Schedule "A", is comprised of amounts representing overpayments for 2005 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>
118	35	J. Blazewicz & M.M. Devlin	\$ 14.48
5 Poet Drive		5 Poet Drive Matawan, NJ 07747	
155	4.05	Chaman Nayar	1,458.65
8 Polazzo Grande		8 Polazzo Grande Morganville, NJ 07751	
183	10	First American Tax Service	2,592.74
4 Jackie Drive		Renaissance Tower, 3 rd Floor 1201 Elm Street, Suite 400 Dallas, TX 75270 Re: Joshua & Dawn Carlo, Jr.	
264	10	Melvin & Mary Anne Fontana	2,206.30
21 Floyd Wyckoff Dr.		21 Floyd Wyckoff Drive Morganville, NJ 07751	
270	15.52	Joseph Vaydovsky	2,781.32
108 Serpentine Dr.		108 Serpentine Drive Morganville, NJ 07751	
299	87	Law Office of Sang Chin Yom	1,758.04
10 Prides Lane		1580 Lemotme Avenue Suite 9 Fort Lee, NJ 07024 Re: Woo Yoen & Yie Kyoung Lee	
339	34	Peil-Ying Mark Chu	2,401.86
4 Nancy Road		4 Nancy Road Marlboro, NJ 07746	
358	1.11	Philip Peng	1,352.71
5 Paca Place		5 Paca Place Marlboro, NJ 07746	
360	25.22	Vincent Vitale	63.87
2 Livingston Ct.		2 Livingston Court Marlboro, NJ 07746	
360.02	18.59	First American Tax Service	899.28
21 Whipple Way		Renaissance Tower, 3 rd Floor 1201 Elm Street, Suite 400	

Dallas, TX 75270
Re: Vincent & Vanessa Valinoti

371	129	Karen Kaye	1,463.08
104 Murray Hill Terrace		12 Stockton Drive Marlboro, NJ 07746	
405	16	Richard & Alyse Sperling	2,196.66
4 Citation Court		4 Citation Court Marlboro, NJ 07746	
417	18.02	Gary Osmanoff	5,983.64
7 Netter Court		7 Netter Court Marlboro, NJ 07746	
421.04	22	Anthony & Phyliss Santucci	4,915.56
16 Coleridge Dr.		16 Coleridge Drive Marlboro, NJ 07746	
TOTAL:			\$30,088.19

RESOLUTION # 2005-404

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for David C. Riley, Block 329 Lot 4, located at 8 Evergreen Drive,

WHEREAS, taxes were billed for the year 2005 in the amount of \$6,774.97, and

WHEREAS, this exemption became effective March 22nd, 2005 and taxes were paid for the first three quarters of 2005, the above mentioned taxpayer is due a refund of \$3,553.96,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,553.96 to the above-mentioned taxpayer and cancel \$5,276.64.

RESOLUTION # 2005-405

WHEREAS, a Veteran deduction in the amount of \$250.00 has been allowed for the year 2005 for Block 371 Lot 176,

located at 98 Peasley Drive, assessed to
Paul B. & Isabel Jacob,

WHEREAS, taxes for the year 2005 have an unpaid
balance on the above-referenced block & lot,

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

RESOLUTION # 2005-406

WHEREAS, a Widow of a Veteran deduction in the
amount of \$250.00 has been granted for the year 2005 for
Block 202 Lot 3, located on 73 Rockwell Circle, assessed
to Phyllis Parisi,

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.

The following Resolution # Res. # 2005-407 (Authorizing
Professional Service Contract - Key-Tec) was introduced
by reference, offered by Councilman Denkensohn, seconded
by Council Vice President Morelli and passed on a roll
call vote of 5 - 0 in favor.

RESOLUTION # 2005-407

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN KEY-TECH AND THE TOWNSHIP OF
MARLBORO FOR THE PROVISION OF PROFESSIONAL SOIL LABORATORY
ANALYSIS AND SOIL FIELD INSPECTION SERVICES IN CONNECTION
WITH THE NEW JERSEY NATURAL GAS PROJECT ALONG CONOVER ROAD
IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township Engineer has advised the
Township Council of the need for professional soil
laboratory analysis and soil field inspection services in
connection with the New Jersey Natural Gas project along
Conover Road in the Township of Marlboro (the "Project");
and

WHEREAS, the Township Engineer obtained three
proposals for the performance of said professional

services for the Project, including a proposal dated August 22, 2005 from Key-Tech of Keyport, New Jersey (the "Proposal") for the following amounts:

1. Soil Laboratory Analysis
 - (a) Gradation (wet) A.S.T.M. D-1140 \$60.00 per sample
 - (b) Moisture-Density Relations
(Compaction): Modified Proctor
D-1557 - \$150.00 per sample
2. Soil Field Inspection
 - (a) Nuclear Density Testing - A certified senior soils inspector to perform in-place density and moisture tests in accordance with A.S.T.M. D-2992/D-3017 \$300.00 per day or portion thereof; and

WHEREAS, the Township Engineer recommends that the contract for the performance of the required professional services for the Project be awarded to Key-Tech for the amounts set forth in the Proposal, for a total amount not to exceed \$3,500.; 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 Key-Tech and the Township of Marlboro to provide the required professional services for the Project in

