

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 5, 2008

The Marlboro Township Council held its regularly scheduled meeting on June 5, 2008 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 18, 2007; 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 LaRocca, Councilwoman Marder, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Jonathan L. Hornik, Ronald Gordon, Esq., Nancy Kist, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

Regarding Item #4 (PRESENTATION- Cablevision Franchise Renewal - Public Hearing), Public Hearing on the application for renewal of municipal consent was held.

Regarding Item #10 (Public Hearing - Community Development Block Grant) - Business Administrator Alayne Shepler discussed the Community Development Block Grant for 2008. Public Hearing was held and closed.

Council President Cantor opened the Public Hearing on Ordinance #2008-17 (Amend Chapter 82 - Fees for Junkyard Licenses). After the Public Hearing was held and closed, the following Resolution #2008-188/Ord. #2008-17 (Amend Chapter 82 - Fees for Junkyard Licenses) was introduced by reference, offered by Councilwoman Marder, and seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-188

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

ORDINANCE # 2008-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82 "JUNKYARDS AND JUNK DEALERS", ARTICLE I, "MOTOR VEHICLE JUNKYARDS" SECTION 82-3 "FEES" AND ARTICLE II "JUNK DEALERS", SECTION 82-23 "FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO, TO INCREASE THE FEES

which was introduced on May 15, 2008, public hearing held June 5, 2008, be adopted on second and final reading this 5th day of June, 2008.

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

Council President Cantor opened the Public Hearing on Ordinance #2008-18 (Amend Chapter 126 - Sewers - Installation and Maintenance of Grease Traps). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2008-189/Ord. #2008-18 (Amend Chapter 126 - Sewers - Installation and Maintenance of Grease Traps) was introduced by reference, offered by Councilwoman Tragni, and seconded by Councilwoman Marder. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-189

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

ORDINANCE # 2008-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
126 "SEWERS", SECTION 126-5.1 "INSTALLATION AND MAINTENANCE
OF GREASE TRAPS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on May 15, 2008, public hearing
held June 5, 2008, be adopted on second and final
reading this 5thth day of June, 2008.

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

Council President Cantor opened the Public Hearing on Ordinance
#2008-21 (Amend Chapter 132 - Swim Club / Aquatic Center). As
there was no one who wished to speak, the Public Hearing was
closed. The following Resolution # 2008-190/Ord. #2008-21
(Amend Chapter 132 - Swim Club / Aquatic Center) was introduced
by reference, offered by Councilwoman Tragni, and seconded by
Councilwoman Marder. After discussion, the resolution/
ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-190

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

ORDINANCE # 2008-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND MARLBORO
AQUATIC CENTER" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on May 15, 2008, public hearing
held June 5, 2008, be adopted on second and final
reading this 5thth day of June, 2008.

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

The following Res. # 2008-191/Ord. #2008-22 (No Parking -
Tennent Road - between Amboy Road and Commercial Court) was
introduced by reference, offered by Councilwoman Marder, and
seconded by Councilman LaRocca. After discussion, the

resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-191

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

ORDINANCE # 2008-22

AN ORDINANCE AMENDING SECTION 138-38 "SCHEDULE I: NO PARKING" OF CHAPTER 138 "VEHICLES AND TRAFFIC", ARTICLE XIV "SCHEDULES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROHIBIT PARKING ON TENNENT ROAD ON BOTH SIDES BETWEEN AMBOY ROAD AND COMMERCIAL COURT IN 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 June 26, 2008 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 # 2008-22

AN ORDINANCE AMENDING SECTION 138-38 "SCHEDULE I: NO PARKING" OF CHAPTER 138 "VEHICLES AND TRAFFIC", ARTICLE XIV "SCHEDULES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROHIBIT PARKING ON TENNENT ROAD ON BOTH SIDES BETWEEN AMBOY ROAD AND COMMERCIAL COURT IN THE TOWNSHIP OF MARLBORO

WHEREAS, Section 138-38 of the Code of the Township of Marlboro identifies those streets or parts of streets upon which parking is prohibited; and

WHEREAS, the Township of Marlboro Division of Police has recommended for public safety purposes that Section 138-38 be amended to prohibit parking on both sides of Tennent Road between Amboy Road and Commercial Court;

WHEREAS, in the interest of the health, safety and general welfare of the residents of the Township of Marlboro, the Township Council desires to amend Section 138-38 in accordance with the recommendations of the Division of Police.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 138 "Vehicles and Traffic", Article XIV "Schedules", Section 138-38 "Schedule I: No Parking" of the Code of the Township of Marlboro is hereby amended and supplemented to add an additional prohibited parking area on the below-described portion of Tennent Road:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Tennent Road (also known as County Road #3)	Both	From Manalapan Township line east to Route 79
Tennent Road (also known as County Road #3)	Both	Between Amboy Road and Commercial Court

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials, shall be installed to effectuate the intent of this Ordinance; and

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 provision 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 Res. # 2008-166/Ord. #2008-20 (Amend Chapter 84 - Fences - Properties Adjacent to Route 18) was introduced by reference, offered by Council President Cantor, and seconded by Councilwoman Tragni. After discussion, the resolution/ ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-166

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

ORDINANCE # 2008-20

AN ORDINANCE, AMENDING AND SUPPLEMENTING SECTION 58
"FENCES" OF CHAPTER 84 "LAND USE DEVELOPMENT AND
REGULATIONS, ADDING A NEW SECTION 84-58(A)(9)

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 June 26, 2008 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 # 2008-20

AN ORDINANCE, AMENDING AND SUPPLEMENTING SECTION 58
"FENCES" OF CHAPTER 84 "LAND USE DEVELOPMENT AND
REGULATIONS, ADDING A NEW SECTION 84-58(A)(9)

WHEREAS, Section 58 "Fences", of Chapter 84 "Land Use
Development And Regulations" generally prescribes that fences shall
not exceed six feet above ground level for any side or rear yard
area in the Township; and

WHEREAS, Section 58 "Fences" of Chapter 84 "Land Use
Development and Regulations" permits certain exceptions to the
aforementioned rule that fences shall not exceed six feet above
ground level for any side or rear yard area in the Township; and

WHEREAS, the Council has determined that another exception
should be created to permit fences to exceed six feet above ground
level for certain side or rear yards adjacent to Route 18 in the
Township;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the
Township of Marlboro, County of Monmouth and State of New Jersey,
that Chapter 84 "Land Use Development and Regulation", Section
58(A)(9) is hereby added to the Code of the Township of Marlboro as
follows:

"Section 84-58(A)(9) Fences not exceeding 12 feet in height for any
property in a residential zone that has a side or rear yard adjacent
to Route 18, provided that the fence may not be constructed on a
berm that exceeds four feet in height, and further provided that if
a fence is located on a berm that is equal to or less than four feet
in height, the total height of the fence and the berm cannot exceed

16 feet in height. In addition, the following shall apply to all fences erected pursuant to this subsection:

(a) The side or rear yard fence may be erected on the side or rear lot-line adjacent to lands owned by the State of New Jersey.

(b) A side or rear yard fence permitted under this subsection must be constructed of wood, wood composite, or other solid materials that shall have the ability to absorb sound. The side or rear yard fence must also have a plain post and the side of the fence facing the highway must remain a natural color. However, the side of the fence that faces the highway may be treated so long as it is not stained in other than a natural wood color.

(c) If the side or rear yard fence is not erected on the lot-line adjacent to lands owned by the State of New Jersey, then the area between the fence and the lands of the State of New Jersey must be landscaped in a diamond pattern. The landscaping shall consist of a double row of White Pine, White Fir, Fraser Fir, Colorado Spruce, Fir or Norway Spruce trees having a minimum size of three to four feet in height. The trees must be balled and burlapped. The trees shall be so located as to be 20 feet from center to center. The second row of trees shall be six feet behind the first row planted, however, in a diamond pattern. The trees shall be offset five feet from the property line and the fence. As a condition of the issuance of any permit under this subsection, the homeowner shall remain responsible for the maintenance and upkeep of the area between the fence and the lands owned by the State or New Jersey.

(d) All side or rear yard fences erected pursuant to this section must be erected to present a uniform top height, no gaps, or other variations in top height are permitted.

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 provision 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 Res. # 2008-192 (Liquor License Renewal July 1, 2008 - June 30, 2009) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-192

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2008 through June 30, 2009.

1. Hituja Corp. T/A Marlboro Buy Rite Liquors	1328 44 001 006
2. I.R Restaurant Corp.	1328 33 007 004
3. Anna Ulaskevich T/A AndiHolmesInn	1328 33 010 002
4. M. S. D. Enterprise, Inc. T/A Martucci's Deli	1328 44 009 003
5. Bella Vista Country Club	1328 33 004 004
6. 476 Route 520 Corp. T/A SamVera	1328 33 002 012
7. B.T.A., LLC T/A Pinos	1328 33 008 008
8. Worthwhile, Inc. T/A Cambridge Spirits Unlimited	1328 44 016 002
9. Briad Restaurant Group,L.L.C. T/A TGI Fridays	1328 33 017 002
10. A.J.R. Restaurant Group T/A Damon's Grill	1328 33 018 012
11. Brooks Edge Plaza, LLC (pocket license)	1328 33 019 001
12. Morganville Vol. Fire Co. No. 1	1328 31 013 001

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

The following Res. # 2008-193 (Contract Extension - Curt Ciumei - Cable) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-193

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND
CURT CIUMEI OF MV DIGITAL PRODUCTIONS, LLC FOR THE
PROVISION OF EXECUTIVE PRODUCER AND DIRECTOR
SERVICES FOR THE TOWNSHIP OF MARLBORO CABLE STATION

WHEREAS, by Resolution #2007-147, dated April 12, 2007, the Township of Marlboro awarded a one-year contract to Curt Ciumei of MV Digital Productions, LLC, 55 Stevenson Drive, Marlboro, NJ 07746 to provide executive producer and director services for the Township of Marlboro, as set forth in the proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2007-147, the parties entered into a contract for the provision of executive producer and director services dated April 17, 2007 (the "Contract"), which is on file with the Township; and

WHEREAS, in accordance with 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 proposal submitted by Curt Ciumei of MV Digital Productions, LLC; and

WHEREAS, Administration has 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 proposal submitted by Curt Ciumei of MV Digital Productions, LLC; and

WHEREAS, funds will be available in Trust Account Number T-01-055-286 for an amount not to exceed \$23,000.00 pending adoption of the budget; 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 Curt Ciumei of MV Digital Productions, LLC, 55 Stevenson Drive, Marlboro, NJ 07746 for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Curt Ciumei of MV Digital Productions, LLC and authorized by Resolution #2007-147; and

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

- a. Curt Ciumei of MV Digital Productions, LLC
- b. Township Administrator
- c. Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-194 (Authorizing Shared Services Agreement - Swim) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-194

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF MANALAPAN FOR USE OF THE MARLBORO SWIM CLUB FACILITIES IN THE TOWNSHIP OF MARLBORO.

WHEREAS, N.J.S.A. 40A:65-1 et seq., authorizes the Township of Marlboro and the Township of Manalapan to enter into shared services agreements in accordance with the terms set forth in the statute provided that a resolution is adopted by both the Township of Marlboro and the Township of Manalapan authorizing the shared services agreement; and

WHEREAS, Mayor Jonathan Hornik has engaged in discussions with Mayor Michelle Roth of the Township of Manalapan to determine both Manalapan's willingness, and the feasibility of entering into a shared services agreement for the Township of Manalapan to use the Township of Marlboro's municipally owned swimming facilities designated by Chapter 132 of the Marlboro Township Code as the "Marlboro Swim Club"; and

WHEREAS, as a result of the joint efforts of Mayor Hornik and Mayor Roth, the Township of Manalapan desires to enter into an agreement with the Township of Marlboro whereby the Township of Manalapan's summer camp program can avail itself of the swimming facilities located at the Marlboro Swim Club, during the hours of operation and conditions of use set forth in this shared services agreement; and

WHEREAS, the Township of Manalapan has also indicated that it desires to enter into a shared services agreement that would allow its residents to have non-resident member privileges at the Marlboro

Swim Club upon terms and conditions set forth in the shared services agreement; and

WHEREAS, the Township Council finds that this shared services agreement with the Township of Manalapan will enhance the ability of the Township of Marlboro Swim Club to provide services and control expenses through the use of the Marlboro Swim Club by the Township of Manalapan pursuant to the terms and conditions of the shared services agreement;

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

1. The Township Council of the Township of Marlboro, hereby authorizes the execution of a shared services agreement with the Township of Manalapan that will permit the Township of Manalapan's summer camp program to use the Marlboro Swim Club during the hours of operation and conditions of use set forth in the shared services agreement.

2. The Township Council of the Township of Marlboro, further authorizes the execution of a shared services agreement with the Township of Manalapan that will permit the residents of Manalapan to have non-resident member privileges at the Marlboro Swim Club upon the terms and conditions set forth in the shared services agreement.

3. A copy of this shared services agreement shall be open to public inspection in the Clerk's Office immediately after passage of this resolution to become a party to a shared services agreement.

4. The shared services agreement shall take effect upon the adoption of a resolution by both parties to the shared services agreement, and execution of the shared services agreement contemplated herein.

5. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the shared services agreement on behalf of, and in the name of the Township of Marlboro; and

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Mayor Michelle Roth
- c. Manalapan Town Clerk
- d. Marlboro Township Administrator

- e. Marlboro Swim Club
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Res. # 2008-195 (Authorizing Shared Services Agreement - DPW) was tabled to the next Council meeting, as Ronald Gordon, Esq. explained that the agreement had not been finalized. Motion to table was made by Councilwoman Tragni, seconded by Council Vice President Rosenthal, and passed on a roll call vote of 5 - 0 in favor of tabling.

Greg Valesi, CME, was present to discuss the next two resolutions and answered all Council's questions.

The following Res. # 2008-196 (Cash Bond Release - 53 Wilson Ave. - B. 133. L. 12) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-196

RESOLUTION AUTHORIZING RELEASE OF CASH MAINTENANCE
GUARANTEE FOR PARISI RESIDENCE - PAVEMENT IMPROVEMENTS -
BLOCK 133, LOT 12, 53 WILSON AVENUE, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of the cash Performance Guarantee being held by the Township in connection with pavement improvements for the Parisi Residence, Block 133, Lot 12, 53 Wilson Avenue North, Marlboro, New Jersey, Herbert and Mary Parisi (hereinafter, "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated May 8, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee in the amount of \$5,000.00 which sum has been posted as cash and is being held by the Township, may be released in its entirety conditioned upon the payment of any outstanding inspection fees in an amount to be determined by the Township Engineer's Office; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid cash Performance Guarantee.

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 cash Maintenance Guarantee posted in connection with the pavement improvements for the Parisi Residence, Block 133, Lot 12, 53 Wilson Avenue, Marlboro, New Jersey shall be released in its entirety, conditioned upon the payment of any outstanding inspection fees in an amount to be determined by the Township Engineer's Office; and

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

- a. Herbert and Mary Parisi
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-198 (Change Order #1 - Synthetic Turf Field) which was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-198

A RESOLUTION AUTHORIZING AND APPROVING CHANGE
ORDER #1 AMENDING THE ORIGINAL CONTRACT BETWEEN THE
TOWNSHIP OF MARLBORO AND PRECISE CONSTRUCTION, INC.
FOR THE INSTALLATION OF A MULTIPURPOSE SYNETHETIC
TURF FIELD AT THE MARLBORO MUNICIPAL COMPLEX

WHEREAS, by Resolution #R-2007-182 the Township of Marlboro awarded a goods and services contract to Precise Construction, Inc. of Freehold, New Jersey for the installation of a Multipurpose Synthetic Turf Field at the Marlboro Municipal Complex (the "Project") for a total contract amount of \$859,090.00 (the "Contract"); and

WHEREAS, due to unforeseen circumstances with underground utilities and additional Buildings and Grounds Department requirements, the Contractor has requested a change order for the following items:

- (1) Per the Buildings and Grounds Department, installation of two (2) water lines with quick coupler connections for field maintenance and cooling as needed;
- (2) relocation of electric conduit and wire due to grade changes; existing conduit and wire was replaced at a lower depth to meet electric code requirements;
- (3) installation of new scoreboard electric conduit and wire after existing was removed during site clearing; wire was not marked out due to incomplete as-builts from previous installation;
- (4) repair of chain link fence damaged during tree removal by Township employees; and
- (5) additional line striping to the field per the Director of Recreation; and

WHEREAS, the former Township Engineer (Birdsall Engineering, Inc.) has reviewed the Contract, the requested Change Order and the underlying circumstances which caused the requested Change Order to be proffered to the Township, and has advised the Township Council that such additional improvements, in the amount of \$11,500.75, were required in order to complete the Project; and

WHEREAS, pursuant to *N.J.A.C. 5:30-11.1 et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount can be authorized by the governing body without additional bidding therefor and the requested Change Order is for approximately 1.33% of the original Contract amount.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute Change Order #1 amending the Contract between the Township of Marlboro and Precise Construction, Inc. of Freehold, New Jersey for the installation of a Multipurpose Synthetic Turf Field at the Marlboro Municipal Complex, increasing the total contract amount from \$859,090.00 to \$870,590.75, reflecting a net increase of \$11,500.75; and

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

- a. Precise Construction, Inc.
- b. Director of Public Works

- c. Township Engineer
- d. Township Administrator
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-197 (Authorizing Purchase of Police Police Explorer Van - State Contract #A70871) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-197

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 2009 FORD
E-350 SUPER DUTY EXT XL VAN FOR THE MARLBORO TOWNSHIP
POLICE DEPARTMENT UNDER STATE CONTRACT #A-70872

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase one (1) 2009 Ford E-350 Super Duty Ext XL Van from Ditschman Flemington Ford, Lincoln Mercury of Flemington New Jersey under State Contract #A-70872 for an amount not to exceed \$23,025.00; and

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

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

WHEREAS, funds are available in Account Number X-04-55-962-925 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicle for the Township Police Department.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) 2009 Ford E-350 Super Duty Ext XL Van from Ditschman Flemington Ford, Lincoln Mercury of Flemington New Jersey under State Contract #A-70872 for an amount not to exceed \$23,025.00; and

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

- a. Ditschman Flemington Ford, Lincoln Mercury, Flemington, New Jersey
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-199 (Authorizing Lien - 31 Ottawa Road South Block 314, Lot 3) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-199

A RESOLUTION AUTHORIZING A TAX LIEN ON THE PROPERTY KNOWN AS 31 OTTOWA ROAD SOUTH, TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ALSO KNOWN AS BLOCK 314, LOT 3 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO

WHEREAS, on April 23, 2008 the Township of Marlboro Zoning Code Enforcement Officer issued a letter to the owners of the property known as 31 Ottawa Road South, Marlboro, New Jersey, also known as Block 314, Lot 3 on the official map of the Township of Marlboro (hereinafter referred to as the "Property") notifying the owner of a violation of Section 48-2 of the Township Code due to garbage and debris on the owner's Property which constituted a hazardous condition to the public health, safety and welfare, and requiring removal of such hazardous condition; and

WHEREAS, on May 12, 2008, Township of Marlboro Zoning Code Enforcement Officer issued a second letter to the owners of the Property notifying the owner of a violation of Section 48-2 of the Township Code due to garbage and debris on the owner's Property which constituted a hazardous condition to the public health, safety and welfare, and requiring removal of such hazardous condition; and

WHEREAS, on May 23, 2008 the Township of Marlboro Zoning Code Officer issued a Notice to Abate Unsafe

Condition to the owner of the Property for violations of Section 113-6 for bulk and trash items, including, a large screen television, bags of landscape debris, clothing, rags, trash bags with household debris and food representing a public health and safety hazard and directing the owner to abate such violation upon receipt of the Notice to Abate Unsafe Condition; and

WHEREAS, on May 27, 2008 the Township of Marlboro Department of Code Enforcement issued a Notice of Violation to the owner of the Property regarding the continuing violation of Section 48-2 of the Township Code and directing the owner to abate such violation upon receipt of the Notice of Violation; and

WHEREAS, to date, owner has not abated such violations; and

WHEREAS, due to the nature of the potential hazard to the public health, safety and welfare, the Township Buildings and Grounds Maintenance Bureau removed such trash and debris from the Property and disposed of same at the Township's Recycling Center at a total cost of \$213.53; and

WHEREAS, the Zoning Code Enforcement Officer has requested that the cost of such violation abatement be affixed as a lien against the Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Tax Collector of the Township of Marlboro is hereby authorized and directed to affix a tax lien against the property known as 31 Ottawa Road South, Township of Marlboro, County of Monmouth, State of New Jersey, also known as Block 314, Lot 3 on the official Tax Map of the Township of Marlboro in the amount of \$213.53, with interest to accrue at the lawful rate; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Tax Collector's Office of the Township of Marlboro and the owner of the Property.

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

- a. Sofiyae Klimasevsky
- b. Marlboro Township Tax Collector
- c. Zoning/Code Enforcement Officer
- d. Grounds and Buildings Maintenance Director
- e. Mayor Jonathan Hornik
- f. Township Administrator
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-200 (Developer Agreement Lucas Const. Bl. 178 Lot 292) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-200

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER
AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND
LUCAS CONSTRUCTION GROUP, INC.

WHEREAS, the Planning Board of the Township of Marlboro adopted a resolution approving a development by Lucas Construction Group, Inc. (the "Developer") for property known as Block 178, Lot 292 on the official tax maps of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering into a Developers Agreement with the Township of Marlboro and the posting of the necessary performance guarantees; and

WHEREAS, a Developer Agreement has been prepared by the Township Attorney, the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to

execute the Developer Agreement with Developer, Lucas Construction Group, Inc., the negotiation and preparation of which shall be paid for from Developer's escrow account held by the Township of Marlboro.

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

- a. Lucas Construction Group, Inc.
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-201 (Creating Plan Endorsement Citizens' Committee) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-201

RESOLUTION TO CREATE THE PLAN ENDORSEMENT CITIZENS'
ADVISORY COMMITTEE FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Mayor and Township Council of the Township of Marlboro desire to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas; and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

WHEREAS, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

WHEREAS, the Plan Endorsement Advisory Committee shall consist of between five (5) and ten (10) members, including one representative of the governing body, a Class IV member of the Township Planning Board; one representative of a local board, commission or committee who is not a member of the Township Planning Board; and two (2) representatives of the public that do not hold a position, employment or office with the Township of Marlboro.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro hereby confirms the Mayor's appointment of members to the Plan Endorsement Citizen's Advisory Committee and hereby approves, adopts and establishes the following:

1. Marlboro hereby establishes a Plan Endorsement Citizen's Advisory Committee consisting of between 5 and 10 members as follows:

1. Frank LaRocca, Member of the Governing Body
2. Larry Josephs, Class IV Member of the Planning Board
3. Adrienne Spota, Representative of local board, commission or committee
4. Andrew Hegt, Member of the Public
5. Seth Goldzweig, Member of the Public
6. Stanley Rosen, Member of the Public
7. Jay Solomon, Member of the Public
8. Andrew Engel, Member of the Public
9. Glen Malysz, Member of the Public
10. Gerald Bergh, Member of the Public

2. The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and

3. The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

4. The Citizens' Advisory Committee shall also report to the Governing Body at least once every two (2) months on the status of plan endorsement; and

5. The Citizens' Advisory Committee shall be entitled to call to its assistance any personnel of any Township department or consultant thereto as it may require in order to perform its duties; and

6. The Citizens' Advisory Committee is established for the purpose of:

Guiding the plan endorsement process for the Township

Increasing public awareness of, and participation in, the plan endorsement process for the community;

Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

Assisting the Township in meeting the deadlines of plan endorsement;

Take the lead on completing the Township self-assessment and submitting the required planning documents to the Office of Smart Growth;

Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and

Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements; and

Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the Township as a result of the endorsed plan.

BE IT FURTHER RESOLVED, that the Township Clerk shall transmit a copy of this Resolution and the Notice as required in the State Planning Rules to the State Planning Commission; and

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

- a. State Office of Smart Growth/ State planning Commission
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-202 (Authorizing Shared Services Agreement Mon. County Fixed Route Transportation) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-202

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH FOR FIXED ROUTE PUBLIC BUS TRANSPORTATION WITHIN THE TOWNSHIP OF MARLBORO THROUGH JUNE 30, 2009 PURSUANT TO N.J.S.A. 40A:65-1 ET SEQ., THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established fixed route public bus transportation within the Township of Marlboro through June 30, 2009; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County for the provision of the aforesaid transportation services to residents of Marlboro Township; and

WHEREAS, the Uniform Shared Services Act, N.J.S.A. 40A:65-1 et seq. authorizes local units (as defined in said Act), to enter into joint agreements for the provision of governmental services, including the services transportation services contemplated herein; and

WHEREAS, the proposed Shared Services Agreement for the provision of such transportation services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b);

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively the proposed Shared Services Agreement with the County of Monmouth for the provision of fixed route public bus transportation within the Township of Marlboro through June 30, 2009; and

BE IT FURTHER RESOLVED, that a copy of such Shared Services Agreement shall be on file in the Town Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this Resolution be forwarded to all respective parties.

The following Res. # 2008-203 (Amending Res. #2008-48 - Purchase of Office Supplies State Contract) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal call vote of 5 - 0 in favor.

RESOLUTION # 2008-203

RESOLUTION AMENDING RESOLUTION # 2008-48 AUTHORIZING
THE PURCHASE OF OFFICE SUPPLIES TATE CONTRACT #A59767

WHEREAS, on January 17, 2008, the Township Council of the Township of Marlboro adopted Resolution No. 2008-48 authorizing the purchase of office supplies from W.B. Mason Company, Inc., 535 Secaucus Road, Secaucus, NJ 07094 under state contract #A59767 not to exceed \$15,000; and

WHEREAS, the Police Department was authorized to purchase office supplies under this contract for an amount not to exceed \$1,200 from account number 8-01-106-205; and

WHEREAS, subsequent to authorizing the purchase of said supplies under state contract #A59767 the Police Department requires additional office supplies; and

WHEREAS, the Township Council now wishes to amend the contract with W.B. Mason in order to increase the purchase amount of office supplies under state contract #A59767 for a total amount not to exceed \$17,500.00; and

WHEREAS, the Township Council now wishes to increase the Police Department contract amount from \$1,200 to an amount not to exceed \$3,700; and

WHEREAS, additional funds are available in Account Number 8-01-106-205 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. W.B. Mason
- b. Township Administrator
- c. Police Department
- d. Chief Financial Officer
- e. Township Attorney

The following Res. # 2008-205 (Authorizing Fireworks Display) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder call vote of 5 - 0 in favor.

RESOLUTION # 2008-205

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY
PERMIT TO PYRO ENGINEERING, INC., D/B/A BAY FIREWORKS

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

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

WHEREAS, Pyro Engineering, Inc., doing business as Bay Fireworks ("Pyro"), has applied for a permit to conduct a fireworks display within the Township of Marlboro on June 29, 2008 (with a rain date of July 13, 2008) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to Pyro to conduct a fireworks display on June 29, 2008 (with a rain date of July 13, 2008) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

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

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-4; and

3. The furnishing of the necessary Certificates of Insurance to the Township.

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

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

Councilwoman Marder recused herself and left the room. The following Res. # 2008-206/Ord. #2008-23 (Bond Ordinance - Acquisition of Property - F & F Nurseries) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman LaRocca. After discussion, the resolution/ Ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-206

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

ORDINANCE # 2008-23

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$950,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$902,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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 June 26, 2008 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 # 2008-23

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF

REAL PROPERTY IN AND FOR THE TOWNSHIP OF MARLBORO AND
APPROPRIATING \$950,000 THEREFOR, AND PROVIDING FOR THE
ISSUANCE OF \$902,500 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 improvement or purpose described in Section 3
of this bond ordinance is hereby authorized to be undertaken by the
Township of Marlboro, in the County of Monmouth, New Jersey (the
"Township"), as a general improvement. For the improvement or
purpose described in Section 3 hereof, there is hereby appropriated
the sum of \$950,000 including the sum of \$47,500 as the down payment
for the improvement or purpose pursuant to the Local Bond Law. The
Down Payment is now available by virtue of provision of moneys in
the Open Space, Recreation, Farmland and Historic Preservation Trust
Fund.

Section 2. In order to finance the cost of the improvement or
purpose 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 \$902,500 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 improvement hereby authorized and the
purpose for which the bonds or notes are to be issued is for the
acquisition of approximately 78.4 acres of property located in the
Township from F&F Nurseries, including all other work and materials
necessary therefor and incidental thereto. The improvements
authorized and the purpose for which obligations are to be issued
are intended to comply with the limitations contained in Ordinance
No. 2000-22, adopted by the Township Council on October 12, 2000, as
amended, and approved by the voters of the Township.

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

(c) The estimated cost of the improvement or
purpose 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 the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of 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 Clerk and is available there for public inspection.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$902,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$47,500 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 improvement or purpose.

(e) The Township reasonably expects to commence acquisition of the project 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 not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. 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 8. 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 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

At 10:25PM, Councilwoman Marder moved that the meeting go into executive session for reason of discussing potential litigation. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor). Recess was called and the executive session reconvened at 10:45PM.

