

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 7, 2008

The Marlboro Township Council held its regularly scheduled meeting on August 7, 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 La Rocca, Councilwoman Marder, Council Vice President Rosenthal (8:45pm), Councilwoman Tragni and Council President Cantor.

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

Councilwoman Marder moved that the minutes of July 7, 2008 be approved. This motion was seconded by Councilman La Rocca and the minutes were passed on a roll call vote of 4 - 0 Council President Cantor abstaining.

Councilwoman Marder moved that the minutes of July 17, 2008 be approved. This motion was seconded by Councilman La Rocca and the minutes were passed on a roll call vote of 4 - 0 with Council President Cantor abstaining.

Council President Cantor opened the Public Hearing on Ordinance # 2008-26 (Determining Positions Eligible for Defined Contribution Retirement Program). As there as no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2008-263/Ord. # 2008-26 (Determining Positions Eligible for Defined Contribution Retirement Program) 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 # 2008-263

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

ORDINANCE # 2008-26 (As Amended)

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE
DEFINED CONTRIBUTION RETIREMENT PROGRAM

which was introduced as amended on July 17, 2008, public hearing held August 7, 2008, be adopted on second and final reading this 7th day of August, 2008.

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

The following Resolution # 2008-264/Ord. # 2008-27 (Rezoning Certain Lots to Multi-Family District IV (MFD-IV) Zone in Accordance with the Settlement Agreement between the Township and Ohad Assoc., LLC) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder. Mayor Hornik and Township Attorney Jonathan L. Williams, Esq. explained the ordinance, stating that the township is under Court Order to proceed with adoption. Discussion followed, after which the resolution/ordinance was then passed on a roll call vote of 3 - 0 in favor, with Councilman La Rocca and Councilwoman Marder abstaining.

RESOLUTION # 2008-264

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

ORDINANCE # 2008-27

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE MULTI-FAMILY DISTRICT IV (MFD-IV) ZONE IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP AND OHAD ASSOCIATES, LLC

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 4, 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 # 2008-27

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE MULTI-FAMILY DISTRICT IV (MFD-IV) ZONE IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP AND OHAD ASSOCIATES, LLC

WHEREAS, Ohad Associates, LLC ("Ohad") is the owner of Block 143, Lots 1.02 and 12 in Marlboro Township ("Township"), New Jersey (the "Property"); and

WHEREAS, Ohad filed an application with the Planning Board for Amended Preliminary Site Plan approval (the "Amended Site Plan Application") on or about June 27, 2003 seeking amended approvals for the Northpointe ("Northpointe") project on the Property, which application was denied by resolution adopted on June 16, 2004 and published on June 19, 2004 by the Planning Board; and

WHEREAS, on July 30, 2004, Ohad filed a "Complaint In Lieu of Prerogative Writs and Under Mt. Laurel II" against the Planning Board, in the Superior Court of New Jersey, Law Division, Monmouth County seeking to have the Court overturn and reverse the Planning Board's denial of Ohad's earlier application for Amended Site Plan Approval for the Northpointe project, and to grant the full relief sought by Ohad in its Complaint in connection with the same; and

WHEREAS, on or about September 9, 2004, in accordance with N.J.A.C. 5:91-4.1, Ohad further filed a formal objection with the Council on Affordable Housing ("COAH") to the Affordable Housing Plan ("Objection") and in response to Ohad's objection with COAH,

the Township of Marlboro and Ohad engaged in mediation and good faith negotiations as required by COAH through N.J.A.C. 5:91-7.1, et. seq.; and

WHEREAS, as a result of the mediation process, Ohad and the Township reached a proposed settlement (the "Settlement") and the Township adopted a Resolution authorizing the Settlement and executed an Agreement with Ohad memorializing the terms of the Settlement; and

WHEREAS, pursuant to the Agreement, the Township is obligated to rezone the Property.

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 §§84-29(B) of the Marlboro Township Code is hereby amended and supplemented to rezone Block 143, Lot 1.02 from the Multi-Family District (MFD) Zone to the Multi-Family District IV (MFD-IV) Zone and to rezone Block 143, Lot 12 from the R-60 Residential District to the MFD-IV Zone District to be developed as the Northpointe multi-family residential housing project; and

BE IT FURTHER ORDAINED, that a new §§84-48.6 MFD-IV Multi-Family District IV shall be added to read as follows:

§ 84-48.6 MFD-IV Multi-Family District IV

The following regulations shall apply in the Multi-Family District IV:

A. Permitted principal uses: clustered townhouses (sometimes herein referred to as "units"), as defined under §84-4, and garden apartments (sometimes herein referred to as "units"), as defined under §84-4, and estate homes (sometimes herein referred to as "units"), as defined under §84-4.

B. Permitted accessory uses: noncommercial swimming pools, tennis courts and other recreational facilities for the exclusive use of residents and their guests, off-street parking facilities and, in association with units, noncommercial parking garages for the exclusive use of site residents only.

C. For any units to be developed in this district, the following regulations and provisions shall apply:

(1) Minimum lot size. No building which is intended or designed to be used, in whole or in part, as a unit herein shall be

erected or constructed upon a lot containing an area of less than 10 acres.

(2) With respect to clustered townhouses and buildings containing low and moderate income units only, the distance between two adjacent buildings side to side shall not be less than 30 feet. With respect to garden apartments, the average distance between two adjacent buildings shall not be less than one and one-half (1 ½) times the height of the taller adjacent building, but in no instance shall the distance be less than 30 feet. With respect to estate homes, the distance between two adjacent buildings side to side shall not be less than 10 feet. With respect to clustered townhouses, the distance between two adjacent buildings rear to rear shall not be less than 50 feet and side to rear shall not be less than 30 feet. With respect to estate homes, the distance between two adjacent buildings rear to rear shall not be less than 50 feet and side to rear shall not be less than 25 feet.

(3) Density. No more than eight (8) units shall be permitted per gross acre.

(4) Rooms. Each separate dwelling unit shall contain separate bedroom, separate bathroom, separate living room and separate kitchen facilities, which kitchen facilities all be located separate and apart from other rooms. A bedroom shall be construed as any separate room, other than a dining room, kitchen or bathroom.

(5) Lot coverage. The maximum lot coverage of buildings shall be 20%.

(6) Open space. The minimum percent of the required open space of the total area of the tract shall be not less than 40%.

(7) Building plan. Building elevations and floor plans for each typical unit shall be required.

(8) Height. The height of the habitable part of the building shall not exceed three stories, and the total height of the building shall not exceed 35 feet. No basement units shall be permitted.

(9) Sound control. All units shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission as tested by the American Society for Testing and Materials (E-90).

(10) Energy conservation. Where practical, all units shall be oriented to the greatest extent feasible so as to maximize sun exposure as per the guidelines published by the New Jersey Department of Community Affairs.

(11) Recreational facilities. Both active and passive recreational facilities shall be provided with the approval of the Planning Board. Recreational requirements, as set forth by the Planning Board, shall be met and developed with facilities suitable to serve the residents of the dwelling units. Said facilities shall be located so as not to be detrimental to adjacent property owners by virtue of noise, light, glare of any other objectionable features emanating therefrom.

(12) Minimum frontage. Minimum road frontage shall be 400 feet.

(13) Parking. All parking facilities all have adequate screening and landscaping.

(14) Setbacks. There shall be a front yard setback of at least 50 feet and side and rear yard minimum setbacks of 40 feet from streets. The minimum setbacks from private roads and interior parking areas (curbline) shall be 25 feet.

(15) Buffer and landscaping. All areas of a development not used for the construction of buildings, roads, accessways, parking area or sidewalks shall be fully landscaped. Where a development boundary line abuts a lot in a residential zone, which lot is not owned by the developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other plantings within the area of 60 feet inside the boundary line of the development abutting a residential lot. If no adequate trees, shrubs or other plantings exist in the sixty-foot area in the natural state of the premises before the development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the sixty-foot area in accordance with §84-63 of this Chapter. Where a development boundary line abuts a lot in a multifamily district residential zone, the sixty-foot area described above shall be reduced to 40 feet.

(16) Interior roads. All roads and other accessways within the development shall be private roads constructed, paved and curbed to a width of not less than 30 feet. All private roads shall have a minimum radius at the center line of the road of 50 feet and a minimum curb return radius at intersections of 25 feet. A minimum center line tangent of at least 50 feet shall be introduced between

reverse curves on all such roads. Driveways serving more than one estate home shall be private roads constructed, paved and curbed to a width of not less than 24 feet, with a maximum length of 200 feet (measured from the private road curblineline to the beginning of the turnaround area) and a minimum turnaround area of not less than fifty by fifty (50 x 50) feet. At the developer's option, public roads may be installed to Township standards. All such construction, paving and curbing shall be completed in accordance with the Subdivision Regulations of Marlboro Township.

(17) Parking. No parking shall be permitted on any road or accessway within the development. All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking spaces of nine by eighteen (9 x 18) feet for each car shall be required to the extent of 2.35 spaces per unit. If garages are provided, each garage may be counted for the equivalent of one parking space for the purpose of this provision.

(18) Principal buildings.

(a) No principal building shall:

[1] Be designated for or occupied by more than 24 families.

[2] Exceed 170 feet in length in its longest dimension; provided, however that buildings containing townhouse units only may exceed the foregoing length so long as they do not contain more than six units.

[3] Allow or contain outside television antennas. All television antenna requirements shall be built into the building to eliminate individual antennas being upon the roof. This subsection shall not apply to a common antenna tower.

[4] Allow any air-conditioning unit to project more than six inches from the face of the wall of the building on which it is installed.

(b) Roof design and construction must be other than a flat roof.

(c) The elevation and setbacks should be varied.

(19) Utilities. For all developments, the applicant for the site plan approval shall arrange with the serving utility for the underground installation of the utilities distribution supply of

the applicable standard terms and conditions incorporated as part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; provided, however, that sites which abut existing streets where overhead electric or telephone distribution supply lines have therefor been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines of extensions, but the service connections from the utilities' overhead lines shall be installed underground.

(20) Application fees concerning the Mt. Laurel II proposals (low and moderate income housing units only) shall be waived. Application fees for the balance of the project shall apply.

(21) Fire walls. There shall be a fire wall between each unit.

(22) Detention/retention facilities. Notwithstanding anything contained elsewhere in this Chapter 84, in those instances in which adjacent conditions [such as existing retention basin(s)] impact upon the design and/or location of drainage facilities, the Board may, in its discretion, permit:

(a) The top of the excavation or the toe of the outside slope to be set back 25 feet from an adjoining property line of a lot on which there is multifamily residential use.

(b) The edge of the design high water for detention/retention basins to be set back 50 feet from existing or proposed dwelling units.

(c) The top of the excavation or the toe of the outside slope to be set back 25 feet from the edge of the pavement from adjoining roads.

(d) Wet detention/retention basins.

(23) A clubhouse shall be provided at a minimum of ten (10) square feet of clubhouse floor area per residential unit.

(24) Parking requirements for clubhouses and pools shall be one (1) parking space per 360 square feet of clubhouse and/or pool area.

D. Affirmative devices requirements. All requirements contained in §84-48A of this Chapter shall apply in the MFD-IV Zone, except that a minimum of 19% of all units proposed to be constructed on-site shall be affordable to moderate and low income households as defined by the United States Department of Housing and Urban Development and the Council on Affordable Housing ("COAH"). Additionally, one (1) Regional Contribution Agreement ("RCA") unit shall be funded by the developer in accordance with applicable regulations of the COAH for every 21 market rate units proposed. If the calculation of the number of required RCA units results in a fraction of an RCA unit, any fraction of 0.5 or greater shall be rounded up to the next whole number and any fraction less than 0.5 shall be rounded down to the preceding whole number.

E. The requirements found in the Marlboro Township Code at § 84-94D(8) to locate trees of 9 inch caliper or more shall be waived provided that the applicant submits representative samplings that are found to be acceptable by the Planning Board.

F. The requirements found in the Marlboro Township Code at § 84-30D(24)E requiring maximum lawn grades of 4:1 shall be waived and a ratio of 3:1 shall be provided instead.

G. The requirements found in the Marlboro Township Code at § 84-104J(8) requiring high water design of basins 100 feet from a proposed dwelling shall be waived and a requirement of 50' shall be provided instead.

H. For existing stormwater basins, the requirements found in the Marlboro Township Code at §84-104J(9) requiring a basin setback to right of way twenty-five feet (25') shall be waived and a basin setback right of way of 0' shall be provided instead.

I. The requirements found in the Marlboro Township Code at §84-30(F) regarding stream corridor buffer setbacks shall not apply within the MFD-IV Zone District.

J. The requirements found in the Marlboro Township Code at § 84-59D(1) regarding pool size are not applicable within the MFD-IV Zone District. However, a minimum of six (6) square feet of pool area per unit shall be required.

BE IT FURTHER ORDAINED, that this ordinance is effective upon and subject to COAH's approval and grant of substantive certification to the Township's Affordable Housing Plan and to the inclusion of the Northpointe development within that Plan; and

BE IT FURTHER ORDAINED, that if any section, paragraph, sub-section, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, sub-section, clause or provisions to be 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. # 2008-248 (Tabled 7/17 - Bond Release Lexington Estates) was introduced by reference, offered by Councilwoman Tragni, and seconded by Council Vice President Rosenthal. CME Engineer Gregory R. Valesi was present and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-248

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR LEXINGTON ESTATES SUBDIVISION, SECTION 6, BLOCK 360, LOTS 25.01 TO 25.16, BLOCK 360.02, LOT 18.26 AND LOTS 18.81 TO 18.89, BLOCK 360.03, LOTS 1 TO 8, 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 Township held Performance Guarantees for site improvements for the Lexington Estates Subdivision, Section 6, Block 360, Lots 25.01 to 25.16, Block 360.02, Lot 18.26 and Lots 18.81 to 18.89, Block 360.03, Lots 1 to 8, Marlboro, New Jersey posted by Developer K. Hovnanian ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 9, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees in the amount of \$543,024.36, of which \$488,721.92 has been posted as a bond and \$54,302.44 has been posted as Cash and which amounts being held by the Township may be released in their entirety subject to Developer paying all outstanding inspection fee

charges to the time of the performance guarantee release and the posting a two (2) year maintenance guaranty in the amount of \$67,878.05 and a Maintenance Period Inspection fee of \$1,000.00; and

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

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 Guarantees posted for the site improvements for Lexington Estates Subdivision, Section 6, Block 360, Lots 25.01 to 25.16, Block 360.02, Lot 18.26 and Lots 18.81 to 18.89, Block 360.03, Lots 1 to 8, Marlboro, New Jersey, posted by Developer K. Hovnanian shall be released in their entirety.

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon the Developer, K. Hovnanian posting a two (2) year maintenance guaranty in the amount of \$67,878.05 and a Maintenance Period Inspection fee of \$1,000.00.

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

- a. K. Hovnanian
- b. Fireman's Fund Insurance Co.
- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-249 (Tabled 7/17 - Bond Release Kensington Gate Sect. 1) was introduced by reference, offered by Councilwoman Tragni, and seconded by Council Vice President Rosenthal. CME Engineer Gregory R. Valesi was present and answered all Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-249

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR KENSINGTON GATES SUBDIVISION, SECTION 1, BLOCK 415, LOT 33.12; BLOCK 421, LOTS 9.01 TO 9.03; BLOCK 421.02, LOTS 1 TO 4, 13 TO 14; BLOCK 421.03, LOTS 1 TO 6, 12 TO 16, BLOCK 421.04, LOTS 1 TO 16, 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 Township held Performance Guarantees for site improvements for the Kensington Gates Subdivision, Section 1, Block 415, Lot 33.12; Block 421, Lots 9.01 To 9.03; Block 421.02, Lots 1 To 4, 13 To 14; Block 421.03, Lots 1 to 6, 12 To 16, Block 421.04, Lots 1 to 16, Marlboro, New Jersey posted by Developer Calton Homes, Inc. ("Developer"); and

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

WHEREAS, the report recommends that the current Performance Guarantees in the amount of \$792,879.20, of which \$713,591.28 has been posted as a bond and \$79,287.92 has been posted as Cash and which amounts being held by the Township may be released in their entirety subject to Developer paying all outstanding inspection fee charges to the time of the performance guarantee release and the posting a two (2) year maintenance guaranty in the amount of \$287,613.00 and a Maintenance Period Inspection fee of \$1,000.00; and

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

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 Guarantees posted for the site improvements for the Kensington Gates Subdivision, Section 1, Block 415, Lot 33.12; Block 421, Lots 9.01 To 9.03; Block 421.02, Lots 1 To 4, 13 to 14; Block 421.03, Lots 1 To 6, 12 to 16, Block 421.04, Lots 1 to 16, Marlboro, New Jersey, posted by Developer Calton Homes, Inc. shall be released in their entirety.

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon the Developer, Carlton Homes, Inc. posting a two (2) year maintenance guaranty in the amount of \$287,613.00 and a Maintenance Period Inspection fee of \$1,000.00.

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

- a. Calton Homes, Inc.
- b. Safeco Insurance Company of America

- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-250 (Tabled 7/17 - Bond Release Kensington Gate Sect. 2) was introduced by reference, offered by Council Vice President Rosenthal, and seconded by Councilman La Rocca. CME Engineer Gregory R. Valesi was present and answered all Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-250

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES FOR KENSINGTON GATES SUBDIVISION,
SECTION 2, BLOCK 415, LOT 33.01 TO 33.11; BLOCK 421,
LOTS 9.04 TO 9.20; BLOCK 421.02, LOTS 5 TO 12;
BLOCK 421.03, LOTS 7 TO 11, BLOCK 421.04,
LOTS 17 TO 26, 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 Township held Performance Guarantees for Site Improvements For the Kensington Gates Subdivision, Section 2, Block 415, Lot 33.01 To 33.11; Block 421, Lots 9.04 To 9.20; Block 421.02, Lots 5 To 12; Block 421.03, Lots 7 To 11, Block 421.04, Lots 17 To 26, Marlboro, New Jersey posted by Developer Calton Homes, Inc. ("Developer"); and

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

WHEREAS, the report recommends that the current Performance Guarantees in the amount of \$713,608.89, of which \$642,248.00 has been posted as a bond and \$71,360.89 has been posted as Cash and which amounts being held by the Township may be released in their entirety subject to Developer paying all outstanding inspection fee charges to the time of the performance guarantee release and the posting a two (2) year maintenance guaranty in the amount of \$205,989.84 and a Maintenance Period Inspection fee of \$1,000.00; and

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

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 Guarantees posted for the site improvements for the Kensington Gates Subdivision, Section 2, Block 415, Lot 33.01 To 33.11; Block 421, Lots 9.04 To 9.20; Block 421.02, Lots 5 To 12; Block 421.03, Lots 7 To 11, Block 421.04, Lots 17 To 26, Marlboro, New Jersey, posted by Developer Calton Homes, Inc. shall be released in their entirety.

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon the Developer, Carlton Homes, Inc. posting a two (2) year maintenance guaranty in the amount of \$205,989.84.00 and a Maintenance Period Inspection fee of \$1,000.00.

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

- a. Calton Homes, Inc.
- b. Safeco Insurance Company of America
- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-265 (Authorizing Purchase of Furniture- Court) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman La Rocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-265

RESOLUTION AUTHORIZING THE PURCHASE OF OFFICE
FURNITURE FOR THE MARLBORO TOWNSHIP MUNICIPAL COURT
STATE CONTRACT #69938

WHEREAS, the Marlboro Township Municipal Court has recommended that the Township purchase office furniture from Allstate Office Interiors, Inc., 10 Jefferson Plaza, Princeton, NJ 08540 under State Contract #69938 not to exceed \$22,461.70; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., authorizes, without public advertising for bids and bidding

therefor, the purchase of any goods or services under any contract for such goods or services entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the 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 office furniture to the Township of Marlboro for its Municipal Court; and

WHEREAS, funds are available in Capital Account Number X-04-55-962-913 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 office furniture under State Contract #69938.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase office furniture from Allstate Office Interiors, Inc., 10 Jefferson Plaza, Princeton, NJ 08540 under State Contract #69938 not to exceed \$22,461.70; and

BE IT FURTHER RESOLVED, That this contract is awarded without competitive bidding, in accordance with N.J.S.A. 40A:11-12, of the Local Public Contracts Law of New Jersey, because the goods or services will be purchased under a contract entered into on behalf of the State of New Jersey by the Department of Purchase and Property in the Department of the Treasury; 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. Allstate Office Interiors, Inc., Princeton, NJ
- b. Township Administrator
- c. Township Municipal Court
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Councilwoman Tragni motioned to table Res. # 2008-266
(Authorizing Professional Service Contract - CME - (School Road East Improvements, Robertsville Road (Rt. 520) Phase II -

Drainage Improvements and Improvements to Union Hill Road) to a future agenda. This was seconded by Councilman La Rocca, and as there was no objection, the Clerk was asked to cast one ballot. Business Administrator Alayne Shepler explained that additional information will be forthcoming on these projects.

The following Res. # 2008-267 (Reject and Rebid: Snow Removal Services) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman La Rocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-267

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) AND AUTHORIZING RE-BID OF SAME

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of Snow Removal Services for the Township of Marlboro Department of Public Works and on and on July 8, 2008 received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

Company	Bid Unit Prices
Lucas Brothers, Inc.	\$185.00 @ 3 units (Section 3)
	\$185.00 @ 3 units (Section 4)
	\$185.00 @ 3 units (Section 7)
Lucas Construction Group, Inc.	\$195.00 @ 6 units (Section 2)
	\$195.00 @ 3 units (Section 3)
	\$195.00 @ 9 units (Section 9); and

WHEREAS, the Marlboro Township Department of Public Works has reviewed the said bids received and recommended that same be rejected due to the fact that: (1) the bid form submitted by Lucas Brothers, Inc. was incomplete; and (2) the bid form submitted by Lucas Construction Group, Inc. contained an erroneous bid on Section 9 whereas Lucas Construction Group, Inc. advised that they intended to bid solely on Sections 2 and 3, making both bids non-responsive; and

WHEREAS, the bids from Lucas Brothers, Inc. and Lucas Construction Group, Inc. may both be rejected as such bids have been deemed non-responsive; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the aforesaid bids received from Lucas Brothers, Inc. and Lucas Construction Group, Inc. for the provision of Snow Removal Services for the Township of Marlboro Department of Public Works (DPW) be and are hereby rejected because: (1) the bid form submitted by Lucas Brothers, Inc. was incomplete; and (2) the bid form submitted by Lucas Construction Group, Inc. contained an erroneous bid on Section 9 whereas Lucas Construction Group, Inc. advised that they intended to bid solely on Sections 2 and 3, making both bids therefor non-responsive; and

BE IT FURTHER RESOLVED, BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s); and

BE IT FURTHER RESOLVED, that the Business Administrator be and is hereby authorized and directed to re-advertise for open, competitive bids for Snow Removal Services for the Township of Marlboro Department of Public Works (DPW) pursuant to N.J.S.A. 40A:11-1 et seq.

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

- a. Lucas Brothers, Inc.
- b. Lucas Construction Group, Inc.
- c. Mayor Jonathan Hornik
- d. Township Administrator
- e. Township Director, Dept. of Public Works
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-268 (Authorizing and Directing Marlboro Township Planning board to examine and conduct a preliminary investigation whether Block 180, Lot 14 should be determined to be an area in need of Redevelopment pursuant to NJSA 40A:12A-1 et. sec.) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni. Discussion followed, during which Mayor Hornik and Township Attorney Jonathan L. Williams explained the resolution and the redevelopment process. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-268

A RESOLUTION AUTHORIZING AND DIRECTING
THE PLANNING BOARD OF THE TOWNSHIP OF MARLBORO
TO EXAMINE AND CONDUCT A PRELIMINARY
INVESTIGATION AS TO WHETHER BLOCK 180, LOT 14
SHOULD BE DETERMINED TO BE AN AREA IN
NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A.
40A:12A-1 ET SEQ.

WHEREAS, the Township Council of the Township of Marlboro is aware that Block 180, Lot 14 may be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary investigation to determine whether the proposed area meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Council of the Township of Marlboro desires that the Planning Board undertake an examination and preliminary investigation as to whether Block 180, Lot 14 may be deemed "an area in need of redevelopment".

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that the Planning Board of the Township of Marlboro is hereby directed and authorized to examine whether the lands comprising Block 180, Lot 14 as shown on the tax maps of the Township of Marlboro should be determined "an area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-3, 5 and 6.

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Res. # 2008-269 (Change Meeting Dates: Sept. 18 to Sept. 25, 2008 and Nov. 6 to Nov. 13, 2008) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Rosenthal passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-269

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for September 18, 2008 be changed to September 25, 2008 and November 6, 2008 be changed to November 13, 2008.

BE IT FURTHER RESOLVED that the meetings will take place at the usual time and place, 8 PM, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0: Res. #2008-270 (Redemption Tax Sale Cert. - Various), Res. #2008-271 (Refund for Tax Exempt Property - B. 153.02, L. 1), Res. #2008-272 (Refunds for Mon. County Bd. Of Taxation Judgments), Res. #2008-273 (Refunds for Overbilled Taxes - Various), Res. #2008-274 (Applying Increase 2008 taxes - B. 101, L. 2), Res. #2008-275 (Canceling Taxes - Various), Res. #2008-276 (Canceling 2008 Taxes - Midway Mobile B. 147, L.43), Res. #2008-277 (Raffle License St. Benedict - On Premise 50/50), Res. #2008-278 (Raffle License St. Benedict - On Premise Merchandise), Res. #2008-279 (Raffle License Western Monmouth Jewish Services Council - On Premise 50/50), Res. #2008-280 (Raffle License Western Monmouth Jewish Services Council - Casino Night), Res. #2008-281 (Raffle License Knights of Columbus - On Premise 50/50), Res. #2008-283 (Authorizing Purchase Cardetector Mobile 4-Camera System for Police Dept.), Res. #2008-284 (Authorizing Grant "Over the Limit Under Arrest") and Res. #2008-285 (Raffle License Mustang Parents Football Club).

RESOLUTION # 2008-270

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$71,853.50 per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$71,853.50 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>
07-37	352/9	Crusader Lien Services	\$ 8,861.03
	6 Dickson Road	179 Washington Lane Jenkintown, PA 19046	
07-43	184/1	Stuart Lasher	9,730.48
	189 Route 520	P.O. Box 83 Milltown, NJ 08850-0083	
08-33	395/12	Plymouth Park	41,706.16
	5 Marigold Lane	Tax Services, LLX P.O. Box 2288 Morristown, NJ 07962-2288	
08-41	364/41.04	Amaco	11,555.83
	3 Serenity Place	2 Kiel Avenue, #202 Kinnelon, NJ 07405	
TOTAL:			\$ 71,853.50

RESOLUTION # 2008-271

WHEREAS, a payment for the 2008 first quarter taxes has been received from the former assessed owner, Pleasant Valley-Avery RN c/o Bayview Builders, in the amount of \$235.30 for Block 153.02 Lot 1, located on Bayview Drive, based on the preliminary bill, and

WHEREAS, the above-mentioned property is now assessed to the Township of Marlboro and is tax exempt for the year 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$235.30 to the above.

RESOLUTION # 2008-272

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year, 2008, as per the attached Schedule "A",

WHEREAS, the 2008 taxes have unpaid balances,
the Tax Collector is directed to apply the amount of
\$37,103.70,

NOW, THEREFORE, BE IT RESOLVED by the Council of
the Township of Marlboro to direct the Tax Collector to
apply the amount of \$37,103.70 as noted above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
153	64.01	Kathleen Bellone	\$3,384.22
16	Collier Lane	16 Collier Lane Morganville, NJ 07751	
180	23	Marc & Arleen Sternfeld	6,299.09
13	Evan Drive	(Trust) 13 Evan Drive Morganville, NJ 07751	
180	30	Sheldon & Phyllis Rogers	6,378.98
44	Nikki Court	44 Nikki Court Morganville, NJ 07751	
180.01	11	Robert & Donna Spano	2,834.17
90	Deerfield Road	90 Deerfield Road Morganville, NJ 07751	
180.01	12	Frank & Margaret Stuart	4,293.31
100	Deerfield Road	100 Deerfield Road Morganville, NJ 07751	
180.01	16	Anthony & Carolyn Bongiorno	2,056.24
180	Deerfield Road	180 Deerfield Road Morganville, NJ 07751	
193.16	15	Randorfo & Ana L. Caballero	2,454.73
405	Edinburgh Place	405 Edinburgh Place Marlboro, NJ 07746	
241	3	Thomas & Carol Giglio	1,971.18
21	Prescott Drive	21 Prescott Drive Marlboro, NJ 07746	

325	7	Jason & Hannah Ross	58.72
11 Hemlock Lane		11 Hemlock Lane Marlboro, NJ 07746	
364	60	Boardwalk Property Assoc, LLC	1,295.95
13 Yellowbrook Road		1227 Morris Avenue Union, NJ 07083	
421.01	1	Gerardo & Katia Calo, Jr.	6,077.11
2 Craig Drive		2 Craig Drive Marlboro, NJ 07746	
TOTAL:			\$37,103.70

RESOLUTION # 2008-273

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2008, and,

WHEREAS, the 2008 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$11,857.12 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
157	21.02	QFARM Adam Buchman 8 Totten Court Marlboro, NJ 07746	\$ 114.36
199			
360.02	12	MCS Realty Corp. 8 Timber Lane Marlboro, NJ 07746	11,121.08
6			
415	2	CRD Realties, LLC 910 Route 1 Edison, NJ 08817	409.62
24			
415	8	CRD Realties, LLC 910 Route 1 Edison, NJ 08817	212.06
Route 79			
TOTAL:			\$11,857.12

RESOLUTION # 2008-274

WHEREAS, the Monmouth County Board of Taxation has granted a judgment whereby increasing the 2008 assessment on Block 101 Lot 2, located at 208 Ticetown Road, assessed to David J. & Veronica Vezeris,

WHEREAS, this judgment results in an increase of the 2008 taxes in the amount of \$3,612.38,

WHEREAS, the 2008 taxes have an unpaid balance, the Tax Collector is directed to apply this increase of \$3,612.38 to this unpaid balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply this increase of \$3,612.38 as noted above.

RESOLUTION # 2008-275

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the year 2008,

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2008 taxes totaling \$4,229.25 as stated above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
160	35	Township of Marlboro	\$ 468.98
Classic Way			
160.01	5.06	Township of Marlboro	743.60
Classic Way			
160.01	5.18	Township of Marlboro	443.63
Route 79			
193.05	11	Township of Marlboro	781.63
Hemingway Court			

193.05	25	Township of Marlboro	730.93
Crine Lane			
193.05	42	Township of Marlboro	1,060.48
Sinclair Court			
TOTAL:			\$4,229.25

RESOLUTION # 2008-276

RESOLUTION CANCELING 2008 TAXES ON THE PROPERTY LEASED
BY THE MIDWAY MOBILE HOMEOWNER'S ASSOCIATION AT BLOCK 147,
LOT 43 ON THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 on the Marlboro Township Tax Map, which property is leased to the Midway Mobile Homeowner's Association (hereinafter the "tenant") and is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, in accordance with the Agreements executed concerning the said Property, a rental payment is to be made to the Township by the tenant in lieu of the payment of real estate taxes, and therefore the 2008 real estate taxes assessed against the property must be canceled.

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

1. That the 2008 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$15,966.27, are hereby canceled.

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

- a. Midway Mobile Homeowner's Association
- b. Shirley Giaquinto, Tax Collector
- c. Walter Kosul, Tax Assessor

RESOLUTION # 2008-277

BE IT RESOLVED by the Township Council of the Township

of Marlboro that a Raffle License # RL: 10-08 (On Premise 50/50) be and it is hereby granted to St. Benedict Catholic Church, 165 Bethany Road, Holmdel, N.J. 07733.

BE IT FURTHER RESOLVED that said Raffle will be held on September 29, 2008 from 7:30AM - 4:30 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

RESOLUTION # 2008-278

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 09-08 (On Premise Merchandise) be and it is hereby granted to St. Benedict Catholic Church, 165 Bethany Road, Holmdel, N.J. 07733.

BE IT FURTHER RESOLVED that said Raffle will be held on September 29, 2008 from 7:30AM - 4:30 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

RESOLUTION # 2008-279

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-08 (On Premise 50/50) be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on September 18, 2008 from 7:00 - 11:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2008-280

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 12-08 (Non-draw - Casino Night) be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on September 18, 2008 from 7:00 - 11:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2008-281

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 13-08 (On Premise 50/50) be and

it is hereby granted to Knights of Columbus, 2 La Satta Ave.,
Englishtown, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on October
13, 2008 from 3:00 PM - 4:00 PM at the Bella Vista Country Club, 100
School Road East, Marlboro, NJ. 07746.

RESOLUTION # 2008-283

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) NEW
CARDETECTOR MOBILE 4-CAMERA SYSTEM AND RELATED EQUIPMENT
AND SOFTWARE FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted
certain companies to request estimates for the purchase of one (1)
new CarDetector Mobile 4-Camera System and related equipment and
software; and

WHEREAS, the Police Department received the following
estimates:

1. Warnock Fleet, East Hanover, New Jersey - \$20,990.00
2. PIPS Technology Inc., Atco, New Jersey - \$27,250.00

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

WHEREAS, the Administration and the Police Department have
reviewed the estimates received and recommend that a contract be
awarded to Warnock Fleet for the purchase of the aforementioned
items; and

WHEREAS, funds are available in Grant Account Number G-07-41-
802-398 and have been certified to by the Chief Financial Officer of
the Township of Marlboro; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township
Council of the Township of Marlboro that authorization is hereby
granted for the purchase of one (1) new CarDetector Mobile 4-Camera
System and related equipment and software from Warnock Fleet, P.O.
Box 524, 175 Route 10, East Hanover, New Jersey 07936; and

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

- a. Warnock Fleet, East Hanover, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

RESOLUTION # 2008-284

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 28% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, a enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday are traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety has asked law enforcement agencies throughout the State to participate in the OVER THE LIMIT UNDER ARREST 2008 YEAR END CRACKDOWN; and

WHEREAS, the project will involve increased impaired driving enforcement from August 15, 2008 through September 1, 2008; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; and

NOW, THEREFORE, BE IT RESOLVED that Marlboro Township declares its support for the OVER THE LIMIT UNDER ARREST 2008 YEAR END CRACKDOWN from August 15, 2008 through September 1, 2008 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION # 2008-285

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 14-08 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 95 North Main Street, Marlboro, N.J. 07746.

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

Sept. 23, 2008	1 PM - 3 PM
Oct. 11, 2008	1 PM - 3 PM
Oct. 25, 2008	2 PM - 4 PM
Nov. 8, 2008	1 PM - 3 PM
Nov. 27, 2008	10 AM -12 PM

at Mustang Parents Football Club Corp., 95 North Main Street,
Marlboro, N.J. 07746.

At 9:45 PM, Councilwoman Tragni moved that the meeting go into executive session for reason of discussing personnel and potential litigation. This was seconded by Council Vice President Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session reconvened at 10:05PM.

RESOLUTION # 2008-282

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 7th day of August, 2008 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, personnel and potential 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 may be taken following the executive session. At 10:30PM, Councilwoman Marder moved that the meeting be opened. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #2008-286 (Clarifying Res. #2008-004) 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 # 2008-286

RESOLUTION CLARIFYING RESOLUTION #2008-004, AND CONSENTING TO THE APPOINTMENT OF, AND THE AUTHORIZING OF A CONTRACT WITH ALAYNE SHEPLER, L.L.C., TO PERFORM THE DUTIES OF BUSINESS ADMINISTRATOR FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by RESOLUTION #2008-4, the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey granted its advice and consent to the Mayor's appointment of Alayne Shepler, individually as Business Administrator in accordance with Township Code and State law; and

WHEREAS, it is in the best interests of the Township to clarify that at the time of her appointment as Business Administrator, it was the intent of the Mayor to have Alayne Shepler act as Interim Business Administrator, pursuant to a personal services contract for a period of six months, during which time her performance would be subject to the periodic review of performance benchmarks set by the Mayor; and

WHEREAS, the Mayor has indicated that the performance benchmarks set forth by him for the performance of the duties and responsibilities of the position of Business Administrator have been met and/or exceeded by Alayne Shepler in the six month period from January 1, 2008 through June 30, 2008; and

WHEREAS, the Mayor now seeks the advice and consent of the Township Council of the Township of Marlboro to appoint Alayne Shepler, L.L.C., to perform the duties of Business Administrator for the Township of Marlboro beginning July 1, 2008 and continuing through December 31, 2008; and

WHEREAS, the business administrator services supplied by Alayne Shepler, L.L.C. is a professional service, exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Township desires to enter into a non-fair and open contract with Alayne Shepler, L.L.C., for business administrator services, in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds are available for this purpose in the 2008 municipal budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5 will be made during the term of the contract;

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

1. Resolution #2008-004 is hereby clarify as set forth above, and that the Township Council of the Township of Marlboro, hereby grants its advice and consent to the appointment of Alayne Shepler, L.L.C. to perform the duties of Business Administrator for the Township of Marlboro; and

2. Hereby authorizes and approves the award of a Professional Services Contract to Alayne Shepler, L.L.C., to perform the duties of business administrator pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

3. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5, and shall provide for compensation of \$62,500.00 for the period of July 1, 2008 through December 31, 2008; and

4. Alayne Shepler, individually shall be paid the sum of \$62,500.00 in full satisfaction of her personal services contract for performance of duties as Business Administrator from January 1, 2008 through June 30, 2008; and

5. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

6. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and

Determination of Value shall be placed on file with this Resolution; and

7. Notice of the award of this contract shall be published as required by law within ten (10) days of its passage; and

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Alayne Shepler, L.L.C.
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 10:35 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman La Rocca, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: September 4, 2008

OFFERED BY: Rosenthal AYES: 5

SECONDED BY: La Rocca NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT