

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

FEBRUARY 21, 2008

The Marlboro Township Council held its regularly scheduled meeting on February 21, 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, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.
Absent: Councilwoman Marder

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

Council Vice President Rosenthal moved that the minutes of January 1, 3 and 17, 2008 be approved. This motion was seconded by Councilwoman Tragni and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

Council President Cantor opened the Public Hearing on supporting 2008 Gypsy Moth Control Program. As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2008-78 (Declaring Gypsy Moth a Public Nuisance) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-078

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Marlboro; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Council of the Township of Marlboro has determined that a gypsy moth control program should be instituted with the County of Monmouth and the State of New Jersey Department of Agriculture and that application for any County, Federal or State funds available be authorized.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life there from is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the County of Monmouth and the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

Motion to table Res. # 2008-79/Ord. # 2008-3 (Amend Chapter 84 - Escrow Fees) to the March 6th Agenda was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

Motion to table Res. # 2008-80/Ord. # 2008-4 (Amend Chapter A-157 - Cable Television Channel) to the March 6th Agenda was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

Motion to Res. # 2008-81/Ord. # 2008-6 (Special Emergency Appropriation - Revaluation) to the March 6th Agenda was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

The following Res. # 2008-82/ Ord.7 (Amending Chapter 126 - Sewer - Inspections) was introduced by reference, offered by Council Vice President Rosenthal, and seconded by Councilwoman Tragni. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-82

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

ORDINANCE # 2008-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 126 "SEWERS", SECTION 126-5.1, "GREASE TRAPS" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY ADDING A NEW SUB-SECTION 126-5(E) "INSPECTIONS" AND ADDING A NEW SECTION 126-8 "VIOLATIONS AND PENALTIES"

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 March 6, 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 # 2008-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 126 "SEWERS", SECTION 126-5.1, "GREASE TRAPS" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY ADDING A NEW SUB-SECTION 126-5(E) "INSPECTIONS" AND ADDING A NEW SECTION 126-8 "VIOLATIONS AND PENALTIES"

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 126, *Sewers*, Section 126-5.1, *Grease Traps*, of the Code of the Township of Marlboro be and is hereby amended and supplemented to establish periodic inspections by the addition of a new Sub-Section 126-5.1(E), *Inspections*, as follows:

§ 126-5.1. Installation and maintenance of grease traps.

A. Grease traps shall be installed for all units, except single-family dwelling units, connected to the public sewer from which large quantities of grease can be expected to be discharged in the opinion of the Western Monmouth Utilities Authority. They shall be installed in separate lines serving that part of a plumbing system from which grease will be discharged. Traps so installed shall be located and constructed in a manner that will reduce the temperature of effluent to permit the congealing or separation of grease. It shall be located and constructed in a manner that will permit easy access for cleaning.

B. All grease traps shall be designed in accordance with current National Plumbing Code Standards and subject to the final approval of the Western Monmouth Utilities Authority and, upon application for a plumbing permit, shall be reviewed and inspected by the Marlboro Township Plumbing Inspector.

C. All grease traps and interceptors shall be maintained properly with maintenance records posted on the premises.

D. The owner or operator of the premises on which a grease trap or interceptor is maintained shall clean and maintain said system in accordance with the rules and regulations of the Western Monmouth Utilities Authority. All maintenance and repair records shall be posted on the premises.

E. Inspections. Grease traps or interceptors shall be periodically inspected by the Township Plumbing Inspector and/or the Western Monmouth Utilities Authority.

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 126, *Sewers*, of the Code of the Township of Marlboro be and is hereby amended and supplemented to establish periodic inspections by the addition of a new Section 126-8, *Violations and Penalties*, as follows:

§ 126.8 Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000.00 or by

imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the Judge. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

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 only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid 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. # 2008-83 (Performance Bond Reduction - Hidden Estates) 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 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-83

RESOLUTION AUTHORIZING REDUCTION OF A PERFORMANCE LETTER OF CREDIT AND CASH BONDS FOR THE DEVELOPMENT KNOWN AS HIDDEN ESTATES

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the reduction of Township held Performance Guarantee in the form of a Letter of Credit and Cash Bonds for a development known as Hidden Estates; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 12, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends a partial reduction in the current Performance Letter of Credit and Cash Bond amounts being held by the Township; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Letter of Credit and Cash Bonds.

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 Development known as Hidden Estates shall be reduced or released, where specified, as follows:

The Performance Guarantee Letter of Credit for site improvements in the original amount of \$213,000.00, is presently in the amount of \$115,950.00 and shall be reduced by \$25,410.00, so that the amount to remain shall be \$90,540.00; and

The Cash Bond, in the original amount of \$22,000.00, is presently in the amount of \$11,976.00 and shall be reduced by \$1,916.00, so that the amount to remain shall be \$10,060.00.

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Planning Board and/or Developer's Agreement for the aforesaid development.

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

- a. Hidden Estates
- b. MRD Fourth Holding Co.
- c. Monmouth Community Bank
- d. Township Engineers
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-84 (Release of Cash Bond - B. 155, L. 20.16 716 Montana Drive) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-84

RESOLUTION AUTHORIZING RELEASE OF A CASH BOND FOR WM CUSTOM BUILDERS FOR CONSTRUCTION ON THE PROPERTY KNOWN AS 716 MONTANA DRIVE, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS BLOCK 155, LOT 20.16 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from WM Custom Builders for the release of a Township held Performance Guarantee in the form of a Cash Bond for construction on the property known as 716 Montana Drive, Township of Marlboro, Monmouth County, New Jersey, also known as Block 155, Lot 20.16 on the Official Tax Map of the Township of Marlboro (the "Property"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 13, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends the release of the Cash Bond in the amount of \$1,000.00 being held by the Township; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee posted for the Property as defined hereinabove shall be released as follows:

The Cash Bond, in the original amount of \$1,000.00 shall be released in its entirety so that the remaining amount is \$0.00; and

BE IT FURTHER RESOLVED, that the above release shall be subject to the payment of all outstanding inspection fees in an amount to be determined by the Township Engineer's Office.

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

- a. WM Custom Builders
- b. Township Engineer
- c. Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-85 (Authorizing 2008 Mosquito Spraying Program) was introduced by reference, offered by

Councilwoman Tragni, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-85

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Township of Marlboro.

We understand that all pesticides used are approved for aerial application by the State and Federal governments.

It is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

The following Res. # 2008-86 (Authorizing Application for NJDCA Smart Future Planning Grant) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-86

Whereas, the Township of Marlboro desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$50,000 to carry out a project to engage in a community-wide comprehensive planning process, thereby fostering community vision driven strategic planning.

Be it therefore RESOLVED,

- 1) that the Township of Marlboro does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Marlboro and the New Jersey Department of Community Affairs.

3)

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

(signature)
Alida Manco
(type or print name)
Clerk
(title)

(signature)
Jonathan L. Hornik
(type or print name)
Mayor
(title)

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Tragni, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder): Res. #2008-87 (Reject Bids - Dispatch Console for Police Dept.), Res. #2008-88 (Renewal of Contract - T-Shirts - Rec. & Swim), Res. #2008-89 (Tax Sale Certificate - B. 195, L. 6), Res. #2008-90 (Raffle Lic. St. Gabriels Church - On Premise 50/50), Res. #2008-91 (Raffle Lic. St. Gabriels Church - Off Premise 50/50), Res. #2008-92 (Raffle Lic. St. Gabriels - Carnival Wheels & Games), Res. #2008-93 (Amend Bingo License - St. Gabriel's Rosary Altar Soc.), Res. #2008-94 (Raffle Lic. St. Gabriel's RAS - Casino Night), Res. #2008-95 (Raffle Lic. St. Gabriel's RAS - On Premise 50/50).

RESOLUTION # 2008-87

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FROM PROCOM SYSTEMS, INC. AND TEKTRON CORPORATION FOR THE PROVISION AND INSTALLATION OF DISPATCH CONSOLES FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the Provision and Installation of Dispatch Consoles for the Township of Marlboro Police

Department and on December 20, 2007 received two (2) bids therefor; and

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

Company	Bid Price
Procomm Systems, Inc.	\$ 49,480.00
Tektron Corporation	\$144,000.00; and

WHEREAS, the Marlboro Township Police Department has reviewed the said bids received and recommended that same be rejected due to the fact that the product offered by Procomm Systems, Inc. does not meet the Bid Specification Requirements and is therefore non-responsive, and the Bid Price for Tektron Corporation exceeds the cost estimate of \$50,000.00; and

WHEREAS, the bid from Procomm Systems Inc. may rejected as such Bid has been deemed non-responsive; and

WHEREAS, the next lowest bid from Tektron Corporation may be rejected pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-13.2(a), which provides that a municipality may reject bids if the lowest bid substantially exceeds the cost estimate for the goods or services to be provided; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the aforesaid bids received from Procomm Systems Inc. and Tektron Corporation for the Provision and Installation of Dispatch Consoles for the Township of Marlboro Police Department be and are hereby rejected because the product offered by Procomm Systems, Inc. does not meet the Bid Specification Requirements and is therefore non-responsive, and the Bid Price from the next lowest responsible bidder, Tektron Corporation, substantially exceeds the cost estimate and funds available for this project and may be rejected pursuant to N.J.S.A. 40A:11-13.2(a); and

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

- a. Procomm Systems, Inc.
- b. Tektron Corporation
- c. Township Administrator
- d. Township Police Chief
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

RESOLUTION # 2008-88

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND METUCHEN CENTER INC. FOR THE PROVISION OF TEE SHIRTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION AND SWIM CLUB

WHEREAS, by Resolution #2007-140, dated April 12, 2007, the Township of Marlboro awarded a one-year contract to Metuchen Center, Inc., 429 Joyce Kilmer Ave., New Brunswick, NJ 08901 to provide Tee-shirts for the Marlboro Department of Recreation and Swim Club, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2007-140, the parties entered into a contract for the provision of Tee-shirts dated April 17, 2007 (the "Contract"), which is attached hereto and made a part hereof; and

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

WHEREAS, the Administration and the Township of Marlboro Department of Recreation and Swim Club have recommended that the Township Council approve a Renewal Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Metuchen Center, Inc. (the "Renewal Contract"); and

WHEREAS, funds are available in the Swim Club Budget Account Number 8-01-700-766 for an amount not to exceed \$4,000 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the funds which will be available to cover the costs associated with the Renewal Contract are contingent upon the collection of the required fees in the Recreation Trust; and

WHEREAS, the services and payments addressed by this Renewal Contract shall be on an ongoing basis not requiring a certification of funds by the Township Chief Financial Officer; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Renewal Contract (as defined hereinabove) between the Township of Marlboro and Metuchen Center, Inc., 429 Joyce Kilmer Ave., New Brunswick, NJ 08901 for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Metuchen Center, Inc. and authorized by Resolution #2007-140 is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to execute and witness the Renewal Contract; and

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

- a. Metuchen Center, Inc.
- b. Township Administrator
- c. Department of Recreation
- d. Swim Club
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

RESOLUTION # 2008-89

WHEREAS, Tax Sale Certificate #07-19 for Block 195 Lot 6, assessed to Igor & Elizabeth Eilyuk, located on 4 Peach Tree Court, has been redeemed in the amount of \$15,523.93,

WHEREAS, the holder of the above-mentioned tax sale certificate, Culmac Investors, Inc., is entitled to the amount of the sale plus interest and costs totaling \$15,523.93,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$15,523.93 be refunded to the holder of said certificate as above.

RESOLUTION # 2008-90

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 02-08 (On Premise 50/50) be and it is hereby granted to St. Gabriel's

R.C. Church, 100 North Main Street, Marlboro, New Jersey
07746.

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

July 17, 2008	6PM - 11 PM
July 18, 2008	6PM - 12 PM
July 19, 2008	6PM - 12 PM
July 20, 2008	1PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street,
Marlboro, N. J. 07746.

RESOLUTION # 2008-91

BE IT RESOLVED by the Township Council of the Township
of Marlboro that a Raffle License # RL: 03-08 (Off Premise
50/50) be and it is hereby granted to St. Gabriel's R.C.
Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held
on July 20, 2008 at 7:00 PM at St. Gabriel's Church
grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2008-92

BE IT RESOLVED by the Township Council of the Township of
Marlboro that a Raffle License # RL: 04-08 (Carnival Wheels
and Games) be and it is hereby granted to St. Gabriel's R.C.
Church, 100 North Main Street Marlboro, New Jersey 07746.

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

July 17, 2008	6PM - 11 PM
July 18, 2008	6PM - 12 PM
July 19, 2008	6PM - 12 PM
July 20, 2008	1PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street,

Marlboro, N. J. 07746.

RESOLUTION # 2008-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that an amendment to Bingo License # BL: 01-07/8 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746 to allow a change to their conduct of games starting March 17, 2008 through December 29, 2008.

RESOLUTION # 2008-94

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RL: 05-08 be and it is hereby granted to St. Gabriel's Rosary Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle (Non-draw - Casino Night) will be held on April 12, 2008 from 7 to 11PM at St. Gabriel's Church, 100 North Main Street, Marlboro, New Jersey 07746.

RESOLUTION # 2008-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 06-08 (On Premise 50/50) be and it is hereby granted to St. Gabriel's Rosary Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on April 12, 2008 from 7 - 11 PM at St. Gabriels Church, 100 North Main Street, Marlboro, New Jersey 07746.

At 9:40PM, Councilwoman Tragni moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor. (Absent: Marder). Recess was called and the executive session reconvened at 9:50PM.

RESOLUTION # 2008-96

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 21st day of February, 2008 to go into executive session for the purpose of discussing those items that are particularly

exempted from the Open Public Meetings Act, namely, litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item 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 10:20 PM, Council Vice President Rosenthal moved that the meeting be opened. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Marder).

At 10:21 PM, Councilwoman Tragni moved that the meeting be adjourned. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 6, 2008

OFFERED BY:	Tragni	AYES:	3
SECONDED BY:	La Rocca	NAYS:	0
		ABSTAIN:	Marder
		ABSENT:	Cantor

ALIDA MANCO
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL PRESIDENT