

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

FEBRUARY 27, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on February 27, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed 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 Denkensohn, Councilman Kovalski, Council Vice President Mione, Councilwoman Singer and Council President Karcher.

Also present were: Mayor Scannapieco, Township Attorney John O. Bennett, Fred Raffetto, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Public Information Report - Acting Public Information Director Sue Levine updated Council on the following: Community Times Newsletter, cable television studio construction and installation of equipment, and Community Pride Day scheduled on May 10<sup>th</sup>, 2003.

Councilman Denkensohn moved that the minutes of January 9<sup>th</sup>, 2003 be approved. This motion was seconded by Councilwoman Singer and the minutes as amended were passed on a roll call vote of 4 - 0, with Councilman Denkensohn abstaining.

Councilman Denkensohn moved that the minutes of January 23<sup>rd</sup>, 2003 be approved. This motion was seconded by Councilwoman Singer and the minutes were passed on a roll call vote of 5 - 0.

Council President Karcher opened the Public Hearing on Ordinance # 2003-1 (Amending Chapter 132 - Swim Pool Facility). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-43/Ord. # 2003-1 (Amending Chapter 132 - Swim Pool Facility) was introduced by reference, offered by Councilman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-43

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

ORDINANCE # 2003-1

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

which was introduced on January 23, 2003, public hearing held February 27, 2003, be adopted on second and final reading this 27th day of February, 2003.

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

Council President Karcher opened the Public Hearing on Ord. # 2003-2 (Accepting Dedication - Sterling Woods). Heidi Judd Card - 85 Greenwood Road - asked for clarification. Mayor Scannapieco and Fred Raffetto, Esq. explained. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution # 2003-44/Ord. # 2003-2 (Accepting Dedication - Sterling Woods) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-44

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

ORDINANCE # 2003-2

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 143.08, LOT 9 AND BLOCK 143.02, LOT 125 ON THE MARLBORO TOWNSHIP TAX MAP (STERLING WOODS AT MARLBORO)

which was introduced on January 23, 2003, public hearing held February 27, 2003, be adopted on second and final reading this 27th day of February, 2003.

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

Council President Karcher opened the Public Hearing on Ord. # 2003-3 (Lafayette Estates - Detention Basin & Inverness Drive maintenance dedication). After the Public Hearing was closed, the following Resolution # 2003-45/Ord. # 2003-3 (Lafayette Estates - Detention Basin & Inverness Drive Maintenance Dedication) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-45

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

ORDINANCE # 2003-3

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF CERTAIN REAL PROPERTY KNOWN AND DRAINAGE AND ROADWAY EASEMENTS IN CONNECTION WITH THE "LAFAYETTE ESTATES" SUBDIVISION

which was introduced on January 23, 2003, public hearing held February 27, 2003, be adopted on second and final reading this 27th day of February, 2003.

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

The following Resolution # 2003-46 (Authorizing Contract - Brodowski - Appraisal of Brandigon Property) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-46

RESOLUTION AUTHORIZING THE PROFESSIONAL APPRAISAL SERVICES  
OF BUCHALSKI, REYNOLDS & BRODOWSKI IN CONNECTION WITH  
THE TOWNSHIP'S POTENTIAL ACQUISITION OF  
BLOCK 148, LOTS 30 AND 30Q (BRANDIGON PROPERTY)

WHEREAS, there is a need for the Township of Marlboro to retain the services of two (2) professional appraisers in order to provide valuation and consulting services relating to the Township's potential purchase of certain property identified on the Marlboro Township Tax Map as Block 148, Lots 30 and 30Q (the "Property"), with funds provided through the New Jersey Department of Environmental Protection Green Acres Program; and

WHEREAS, the New Jersey Department of Environmental Protection Green Acres Program application process requires the preparation and submittal of two (2) independent appraisal reports; and

WHEREAS, the services will include the preparation of appraisal reports of the Property and any improvements thereon to assist the Township with the potential acquisition of the Property; and

WHEREAS, the firm of Buchalski, Reynolds & Brodowski has submitted a proposal to the Township, dated February 24, 2003, at a fee of \$3,000.00, in order to provide the aforesaid services, a copy of which is attached hereto; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the Contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize the awarding of a professional service contract to Buchalski, Reynolds and Brodowski for the provision of the necessary appraisal services.

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

1. That the Mayor is authorized to execute and the Municipal Clerk to attest an Agreement, acceptable to the Township Attorney, between the Township of Marlboro and Buchalski, Reynolds & Brodowski, regarding the aforesaid appraisal services, in accordance with the proposal attached hereto.

2. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

3. 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.

4. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Buchalski, Reynolds & Brodowski  
(Attn: Pamela Brodowski, MAI)
- b. John S. Mullan, P.E.
- c. Stephen Dick, Chairman of the Farmland, Historic and Open Space Committee
- d. Township Chief Financial Officer
- e. Township Administrator
- f. Township Attorney

The following Resolution # 2003-47 (Authorizing Contract - Stuart - Appraisal of Brandigon Property) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-47

RESOLUTION AUTHORIZING THE PROFESSIONAL APPRAISAL SERVICES  
OF STUART APPRAISAL COMPANY, INC., IN CONNECTION WITH  
THE TOWNSHIP'S POTENTIAL ACQUISITION  
OF BLOCK 148, LOTS 30 AND 30Q (BRANDIGON PROPERTY)

WHEREAS, there is a need for the Township of Marlboro to retain the services of two (2) professional appraisers in order to provide valuation and consulting services relating to the Township's potential purchase of certain property identified on the Marlboro Township Tax Map as Block 148, Lots 30 and 30Q (the "Property"), with funds provided through the New Jersey Department of Environmental Protection Green Acres Program; and

WHEREAS, the New Jersey Department of Environmental Protection Green Acres Program application process requires the preparation and submittal of two (2) independent appraisal reports; and

WHEREAS, the services will include the preparation of appraisal reports of the Property and any improvements thereon to assist the Township with the potential acquisition of the Property; and

WHEREAS, the firm of Stuart Appraisal Company, Inc., has submitted a proposal to the Township, dated February 24, 2003, at a fee of \$3,100.00, in order to provide the aforesaid services, a copy of which is attached hereto; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the Contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize the awarding of a professional service contract to Stuart Appraisal Company, Inc., for the provision of the necessary appraisal services.

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

1. That the Mayor is authorized to execute and the Municipal Clerk to attest an Agreement, acceptable to the Township Attorney, between the Township of Marlboro and Stuart Appraisal Company, Inc., regarding the aforesaid appraisal services, in accordance with the proposal attached hereto.

2. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with N.J.S.A. 40A:11-5, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

3. 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.

4. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Stuart Appraisal Company, Inc.  
(Attn: James Stuart, MAI)
- b. John S. Mullan, P.E.
- c. Stephen Dick, Chairman of the Farmland, Historic and Open Space Committee
- d. Township Chief Financial Officer
- e. Township Administrator
- f. Township Attorney

The following Resolution # 2003-48 (Authorizing Contract - Environmental Assessment & Grant Administrative Services Schoor De Palma - Brandigon Property) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-48

RESOLUTION AUTHORIZING THE PROFESSIONAL SERVICES OF SCHOOR DEPALMA  
FOR GREEN ACRES PROGRAM - GRANT ADMINISTRATION SERVICES IN  
CONNECTION WITH THE TOWNSHIP'S POTENTIAL  
ACQUISITION OF BLOCK 148, LOTS 30 AND 30Q (BRANDIGON PROPERTY)

WHEREAS, there exists a need for the services of an engineer in order to provide engineering and consultation services to the Township of Marlboro; and

WHEREAS, the services will include, among other things, grant administrative services required under the New Jersey Green Acres Program and the preparation of a project reference map; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Schoor DePalma to provide the aforesaid services in connection with the Township's potential acquisition of certain property known and designated as Block 148, Lots 30 and 30Q on Marlboro Township Tax Map.

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

1. That the Mayor is authorized to execute and the Municipal Clerk to attest an agreement, in a form acceptable to the Township Attorney, between the Township of Marlboro and Schoor DePalma regarding the aforesaid services, as per the proposal attached hereto.

2. That, in accordance with said agreement, Schoor DePalma is hereby authorized to provide the aforesaid services in connection with the Township's potential acquisition of Block 148, Lots 30 and 30Q on the Marlboro Township Tax Map.

3. That the total fee for the services, including expenses, shall be in an amount not to exceed \$10,725.00.

4. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

5. 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.

6. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Schoor DePalma (Attn: John S. Mullan, P.E.)
- b. Stephen Dick, Chairman of the Farmland, Historic and Open Space Committee
- c. Township Chief Financial Officer
- d. Township Administrator
- e. Township Engineer
- f. Township Attorney

The following Resolution # 2003-49 (Authorizing Purchase of Copier - State Contract) was introduced by reference, offered by Councilwoman Singer, seconded by Council President Karcher and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-49

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) SAVIN 2585 COPIER AND RELATED SERVICES UNDER STATE CONTRACT #A51464 FOR THE MARLBORO TOWNSHIP DEPARTMENT OF ADMINISTRATION

WHEREAS, there is a need for the Township of Marlboro to purchase one (1) SAVIN 2585 copier and related services for the Marlboro Township Department of Administration; and

WHEREAS, the Marlboro Township Department of Administration has solicited and received quotations for said copier and services for which a State contract has been issued pursuant to *N.J.S.A. 40A:11-12*; 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, the Township Council, having considered the same, now wishes to authorize the purchase of one (1) SAVIN 2585 copier and related services from Stuart Industries of Freehold, New Jersey, under State Contract #A51464.

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

1. That the appropriate Township officials be and hereby are authorized to execute an agreement between the Township of Marlboro and Stuart Industries of Freehold, New Jersey, for the purchase of one (1) SAVIN 2585 copier and related services, under State Contract #A51464, at a total cost of \$28,037.00.

2. 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.

3. 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.

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

- a. Stuart Industries
- b. Township Chief Financial Officer
- c. Township Administrator
- d. Township Attorney

The following Resolution # 2003-50 (Change Order - Cable Studio Construction) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-50

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH  
NORTHSIDE DANZI GENERAL CONTRACTORS FOR THE CONSTRUCTION  
OF THE MARLBORO TOWNSHIP CABLE TELEVISION STUDIO

WHEREAS, Administration and Saizan, Schneider & Winkler, Architects, LLC recommend the authorization of Change Order No. 1, for the addition of a second transformer in connection with the construction of the Marlboro Township Cable Television Studio, a copy of which is attached hereto and made a part hereof, for a net increase of the total contract amount of the project of \$2,900.00, for a total contract sum of \$169,400.00.

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

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to Change Order No. 1 to the agreement between the Township of Marlboro and Northside Danzi General Contractors, in the form attached hereto, for the net additional consideration of \$2,900.00, for a total contract sum of \$169,400.00.

2. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this Change Order and to attach same to this Resolution.

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

- a. Northside Danzi General Contractors
- b. Saizan, Schneider & Winkler, Architects, LLC  
(Attn: Michael Winkler, AIA)
- c. Township Public Information Officer
- d. Township Superintendent of Recreation
- e. Township Superintendent of Public Works
- f. Township Chief Financial Officer
- g. Township Engineer
- h. Township Attorney

The following Resolution # 2003-51 (Authorizing Contract - Employee Assistance Program) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-51

RESOLUTION AUTHORIZING THE PROFESSIONAL PSYCHOLOGICAL  
SERVICES OF THE COUNSELING  
AND CRITICAL INCIDENT DEBRIEFING CENTER, LLC

WHEREAS, there is a need for the Township of Marlboro to retain the services of a professional psychologist in order to provide psychological counseling services and referrals for employees of the Township in connection with the Township's Employee Assistance Crisis Intervention Program; and

WHEREAS, the firm of The Counseling and Critical Incident Debriefing Center, LLC, has submitted a proposal to the

Township, in order to provide the aforesaid services, a copy of which is attached hereto; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the Contract be published in a newspaper of general circulation in the municipality, and

WHEREAS, the Township Council, having considered the same, now wishes to authorize the awarding of a professional service contract to The Counseling and Critical Incident Debriefing Center, LLC, for the provision of the aforesaid services.

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

1. That the Mayor is authorized to execute and the Township Clerk to attest the attached Agreement, or one that is substantially similar thereto and acceptable to the Township Attorney, between the Township of Marlboro and The Counseling and Critical Incident Debriefing Center, LLC, regarding the aforesaid psychological counseling and referral services.

2. That the total fee for the services, including expenses shall be in an amount not to exceed \$3,275.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with N.J.S.A. 40A:11-5, of the Local Public Contracts Law of Now Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. 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.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. The Counseling and Critical Incident Debriefing Center, LLC  
(Attn: Stephanie Samuels, MA, MSW)
- b. Chief Financial Officer
- c. Township Administrator
- d. Township Attorney

The following Resolution # 2003-52 (Award of Bid - Partition Walls) was introduced by reference, offered by Council Vice President Mione, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-52

RESOLUTION AWARDING BID FOR THE CONSTRUCTION OF A PARTITION WALL FOR  
THE MARLBORO TOWNSHIP RECREATION CENTER

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the construction of a partition wall for the Marlboro Township Recreation Center Multi-Purpose Room, for the Marlboro Township Department of Recreation, and on January 31, 2003, received sealed bids therefor; and

WHEREAS, the qualified low bid received was that of Modernfold/Styles, Inc., of Cherry Hill, New Jersey, in the amount of \$43,536.00; and

WHEREAS, Administration and the Department of Recreation have reviewed the bids received and recommended that the lowest qualified bid be awarded; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to award the lowest qualified bid for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appropriate Township officials be and hereby are authorized to execute an agreement, acceptable to the Township Attorney, between the Township of Marlboro and Modernfold/Styles, Inc., of Cherry Hill, New Jersey,

for the construction of a partition wall for the Marlboro Township Recreation Center Multi-Purpose Room, for the Marlboro Township Department of Recreation, in the amount of \$43,536.00, and in accordance with the bid proposal submitted by Modernfold/Styles, Inc., which is on file with the Township.

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.

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

- a. Modernfold/Styles, Inc.
- b. Township Superintendent of Recreation
- c. Township Engineer
- d. Township Superintendent of Public Works
- e. Township Chief Financial Officer
- f. Township Administrator
- g. Township Attorney

The following Resolution # 2003-53 (Award of Bid - Pool Maintenance) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-53

RESOLUTION AWARDING BID FOR THE PROVISION OF POOL  
MAINTENANCE SERVICE AND OPTIONAL EXTRAS FOR CONTRACT  
YEARS 2003-2004 FOR THE MARLBORO TOWNSHIP SWIM CLUB

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of pool maintenance service and optional extras for contract years 2003-2004 for the Marlboro Township Swim Club, and on January 31, 2003, received one (1) sealed bid therefor; and

WHEREAS, the sole bid received was that of Aquatic Service, Inc., of Spotswood, New Jersey, in such amounts as set forth in their bid proposal which is attached hereto and on file with the Township; and

WHEREAS, Administration and the Swim Club have reviewed the said bid received and recommended that the same be awarded as the lowest qualified bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to award the said bid for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appropriate Township officials be and hereby are authorized to execute an agreement, acceptable to the Township Attorney, between the Township of Marlboro and Aquatic Service, Inc., of Spotswood, New Jersey, for the provision of pool maintenance service and optional extras for contract years 2003-2004 for the Marlboro Township Swim Club, in such amounts as set forth in and in accordance with the bid proposal submitted by Aquatic Service, Inc., attached hereto and on file with the Township.

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.

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

- a. Aquatic Service, Inc.
- b. Marlboro Swim Club Director
- c. Township Administrator
- d. Chief Financial Officer
- e. Township Attorney

The following Resolution # 2003-54 (Award of State Contract - Vehicles for Building Department) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor. Discussion was held on the reassignment of the old vehicles. Business Administrator Chris Marion was asked to prepare a report for Council.

RESOLUTION # 2003-54

RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) 2003 DODGE DAKOTAS UNDER STATE CONTRACT #A53128 FOR THE MARLBORO TOWNSHIP DEPARTMENT OF COMMUNITY DEVELOPMENT BUILDING DIVISION

WHEREAS, there is a need for the Township of Marlboro to purchase three (3) 2003 Dodge Dakotas for the Marlboro Township Department of Community Development Building Division; and

WHEREAS, the Marlboro Township Department of Community Development Building Division has solicited and received quotations for said vehicles for which a State contract has been issued pursuant to *N.J.S.A. 40A:11-12*; 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, the Township Council, having considered the same, now wishes to authorize the purchase of three (3) 2003 Dodge Dakotas from Warnock Fleet of East Hanover, New Jersey, under State Contract #A53128.

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

1. That the appropriate Township officials be and hereby are authorized to execute an agreement between the Township of Marlboro and Warnock Fleet of East Hanover, New Jersey, for the purchase of three (3) 2003 Dodge Dakotas, under State Contract #A53128, at a total cost of \$44,801.10.

2. 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.

3. 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.

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

- a. Warnock Fleet
- b. Township Construction Official
- c. Township Chief Financial Officer
- d. Township Administrator
- e. Township Attorney

The following Resolution # 2003-55 (Authorizing Release of Fee Posted in Error) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-55

RESOLUTION AUTHORIZING REFUND  
OF FEE POSTED IN ERROR

WHEREAS, on October 12, 2001 a fee in the amount of \$30,000.00 was posted by Verizon New Jersey, Inc. to the Township of Marlboro; and

WHEREAS, the Township of Marlboro was not the owner of record of the property for which said lease was posted; and

WHEREAS, Verizon New Jersey, Inc. has requested a refund of the deposit posted in error;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$30,000.00 be refunded to Verizon New Jersey, Inc. for a fee posted in error.

The following Resolution # 2003-56 (Recreation Fees 2003) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-56

RESOLUTION ESTABLISHING 2003 RECREATIONAL  
PROGRAM FEES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 117 of the Marlboro Township Code, entitled "Recreational Facilities", provides that certain recreational facility regulations and fees shall be established by Resolution of the Township Council on an annual basis; and

WHEREAS, the Recreation Commission has reviewed all of the recreational programs for the 2003 season and has proposed certain regulations and fees for approval by the Township Council; and

WHEREAS, the Township Council, having considered the proposed regulations and fees for 2003, now wishes to provide its approval of the same as follows.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the 2003 schedule of fees for certain recreational programs within the Township of Marlboro shall be as follows (additions are underlined; deletions are shown in ~~strikeout~~):

1. Summer Camp, Art and Sports Camp, and Camp for Persons with Disabilities:
  - a. Summer Camp Registration Fee, per child: ~~\$365.00~~ \$400.00.
  - b. Summer Camp Activity Fee: ~~\$60.00~~ \$75.00 per session.
  - c. Art and Sports Camp Registration Fee, per child: ~~\$220.00~~ \$235.00  
Per 3-week session.
  - d. Art and Sports Camp Activity Fee: ~~\$30.00~~ \$40.00 per session.
  - e. Recreation Camp for Persons with Disabilities, ½ day, per 5-week program: ~~\$300.00~~ \$350.00.
2. Teen Camp.
  - a. Day: ~~\$300.00~~ \$400.00.

BE IT FURTHER RESOLVED that all other recreational program fees as previously established by Resolution of the Township Council shall remain unchanged and in effect.

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

- a. Stephen Dick, Recreation Commission Chairman
- b. John Saffioti, Superintendent of Recreation Department
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Township Attorney

The following Resolution # 2003-57 (Bond Reduction - Castle Pointe Sections 1 & 3) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-57

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE AND CASH BONDS  
FOR THE CASTLE POINTE SUBDIVISION, SECTIONS 1 AND 3

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 and Cash Bonds for Sections 1 and 3 of a development known as Castle Pointe; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from Maser Consulting, P.A. and the Township Engineers, dated January 21, 2003 and January 24, 2003, respectively, copies of which are attached hereto and made a part hereof; and

WHEREAS, the reports recommend a partial reduction in the current Performance 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 and Cash Bonds.

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

1. That Performance Guarantees posted for Section 1 of the Castle Pointe development shall be reduced as follows:
  - a. The Performance Bond, in the original and present amount of \$1,006,125.48, shall be reduced by \$428,996.47 (43%), so that the amount to remain shall be \$577,129.01 (57%).
  - b. The Cash Bond, in the original and present amount of \$111,791.72, shall be reduced by \$47,666.27 (43%), so that the amount to remain shall be \$64,125.45 (57%).
2. That Performance Guarantees posted for Section 3 of the Castle Pointe development shall be reduced as follows:
  - a. The Performance Bond, in the original and present amount of \$770,304.30, shall be reduced by \$308,121.72 (40%), so that the amount to remain shall be \$462,182.58 (60%).
  - b. The Cash Bond, in the original and present amount of \$85,589.37, shall be reduced by \$34,514.10 (40%), so that the amount to remain shall be \$51,075.27 (60%).

3. 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.

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

- a. Toll NJ III, LP
- b. Continental Insurance Company
- c. Maser Consulting, P.A. (Attn: Thomas J. Herits, P.E., P.P.)
- d. Township Engineers
- e. Chief Financial Officer
- f. Township Attorney

Resolution # 2003-58 (Bond Release - Rosenthal) was removed from the agenda.

The following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor: Res. # 2003-59 (Redemption Tax Sale Certs. - Various), Res. # 2003-60 (Refund for Duplicate Payment - B. 325, L. 7), Res. # 2003-61 (Refunds to WMUA - Various), Res. # 2003-62 (Veteran Deductions - Various), Res. # 2003-63 (Canceling Taxes - Various).

RESOLUTION # 2003-59

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$37,168.20 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$37,168.20 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>
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96-11	172/24	Capital Asset Research	\$21,811.58
275 Spring Valley Road		3950 RCA Blvd., Suite 5001	
		Palm Beach Gardens, FL	
		33410-4227	

02-15	262/14	American Tax Funding, LLC	15,356.62
3 Bruce Road		Attn: Martha Moseley	
		P.O. Box 862658	
		Orlando, FL	32886-2658

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TOTAL: \$37,168.20

RESOLUTION # 2003-60

WHEREAS, a duplicate payment of 2002 fourth quarter taxes has been received in the amount of \$2,758.84, by Ohio Savings Bank, for Block 325 Lot 5, located at 7 Hemlock Lane, assessed to Alan & Carol Cohen,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$2,758.84 to Ohio Savings Bank.

RESOLUTION # 2003-61

WHEREAS, current sewer charges totaling \$999.18 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$999.18 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC 99-26	274/17	Staple Sewing Aids Pension	\$ 77.42
15 Riley Road			
TSC# 00-22	107/7	Culmac Investors, Inc.	76.35
Wicker Place			
TSC# 01-45	286/20	JNH Funding Corp.	350.29
11 Longfellow Terrace			

TSC# 02-1 104/8 4 Thomas Lane	Life Center Academy	163.67
TSC# 02-33 201/2 62 Rockwell Circle	MDSASS-IV (4) Wachovia Bank, NA Cust.	331.45
	TOTAL:	<u>\$ 999.18</u>

RESOLUTION # 2003-62

WHEREAS, Veteran deductions totaling \$400.00 have been granted as per the attached Schedule "A" for the year 2002,

WHEREAS, taxes for the year 2002 have been paid in full on the above-referenced block & lots,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
348	2	Anthony & Joyce DiSimone	\$200.00
2 Farrell Lane		2 Farrell Lane Marlboro, NJ 07746	
349	13	William & Charlotte McCarthy	200.00
1 Farrell Lane		1 Farrell Lane Marlboro, NJ 07746	
		TOTAL:	<u>\$400.00</u>

RESOLUTION # 2003-63

RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN  
PROPERTY TAXES DETERMINED TO BE UNCOLLECTIBLE

WHEREAS, there are certain property taxes that remain outstanding and unpaid relating to the following properties as designated on the Marlboro Township Tax Map: Block 392, Lot 27.08; Block 193.06, Lot 9; and Block 268.05, Lot 16; and

WHEREAS, Tax Sale Certificate #98-81 was obtained by the Township for unpaid taxes for 1997 relating to Block 268.05, Lot 16; and

WHEREAS, the aforesaid properties consist of detention basins which have been previously dedicated to the Township in accordance with approvals granted by the Marlboro Township Planning Board in connection with certain developments; and

WHEREAS, in light of the same, it has been determined that the outstanding taxes, as set forth below, are uncollectible, and the Township Tax Collector has therefore recommended that the same be canceled.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, as follows:

1. That the following taxes, which have been determined to be uncollectible, are hereby canceled:

Block 392, Lot 27.08

Third Quarter 2002:	\$ 105.23
Fourth Quarter 2002:	\$ 105.22
Total:	\$ 210.45

Block 193.06, Lot 9

Third Quarter 2002:	\$ 712.76
Fourth Quarter 2002:	\$ 712.76
Total:	\$1,425.52

2. That the following taxes and the Township held Tax Sale Certificate #98-81 relating to Block 268.05, Lot 16, which have been determined to be uncollectible, are hereby canceled:

Block 268.05, Lot 16

Tax Lien #98-81	\$ 956.95
1998 through 2002 Taxes	\$4,825.62
Total:	\$5,782.57

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

- a. Township Tax Collector
- b. Township Tax Assessor

- c. Township Engineer
- d. Township Attorney

The following Resolution # 2003-64 (Change Meeting Date - Sept. 11, 2003 to Sept. 25, 2003) was introduced by reference, offered by Councilman Kovalski, seconded by Council President Karcher and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-64

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for September 11, 2003 be changed to September 25, 2003.

BE IT FURTHER RESOLVED that the meeting will take place at the usual time and place, 8:00 PM at Town Hall, 1979 Township Drive, Marlboro, New Jersey.

The following Resolution # 2003-65 (Raffle License Marlboro El. School PTA) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-65

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 8-03 (On Premise Merchandise) be and it is hereby granted to Marlboro Elementary School PTA, 100 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on March 21, 2003 from 7 - 11 PM at Marlboro Elementary School, 100 School Road West, Marlboro, New Jersey 07746.

The following Resolution # 2003-66 (Authorizing Subordination of Township-held Mortgage on Rehab - B. 267, L. 25) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-66

A RESOLUTION AUTHORIZING THE SUBORDINATION OF A  
TOWNSHIP-HELD MORTGAGE RELATING TO PROPERTY LOCATED

AT 27 SUDBURY ROAD, MORGANVILLE  
(BLOCK 267, LOT 25 ON THE MARLBORO TOWNSHIP TAX MAP)

WHEREAS, Marvin and Dalia Winick (the "Owners") are the record owners of certain real property located at 27 Sudberry Road, Morganville, more commonly known and designated as Block 267, Lot 25 (the "Property"), on the Marlboro Township Tax Map; and

WHEREAS, the Property is encumbered with a first mortgage in the current amount of approximately \$240,800.00; and

WHEREAS, on or about December 14, 2001, the Owners granted to the Township a second mortgage (the "Township Mortgage") encumbering the Property, securing payment of \$12,000.00, with interest, which was recorded on January 24, 2002 in Mortgage Book 8077 at Page 6915; and

WHEREAS, the intention of the Township Mortgage is to secure the payment of expenses related to certain rehabilitation work which was performed at the Property pursuant to and in accordance with the Township's Affordable Housing Program; and

WHEREAS, since that time, the Owners have determined that they wish to secure a Home Equity Loan in the amount of \$55,000.00 from First Union National Bank, in order to consolidate and pay off other debts; and

WHEREAS, following retention of the Home Equity Loan, the total financing on the Property will equate to approximately 82% of the property value (Note: This assumes the property value to be approximately \$375,000.00, a figure provided by Housing Services, Inc.); and

WHEREAS, First Union National Bank is requiring, as a condition to granting the Home Equity Loan to the Owners, that the Township agree to subordinate its \$12,000.00 Township Mortgage to the Home Equity Loan; and

WHEREAS, the Township's Rehabilitation Consultants, Housing Services, Inc., have reviewed and have recommended this request.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, as follows:

1. That the Mayor is authorized to execute and the Municipal Clerk to attest the attached Subordination of Mortgage

relating to the above-referenced premises, which will authorize the Township Mortgage in the amount of \$12,000.00 to be subordinated to the Home Equity Loan currently being sought by the Owners from First Union National Bank in the amount of \$55,000.00.

2. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Robert Nelson, Housing Services, Inc.,  
2324 Hawthorne Avenue  
Post Office Box 1101  
Point Pleasant Beach, New Jersey 08742-1101
  - b. Brenda Schwartz, COAH Co-Ordinator
  - c. John O. Bennett, III., Esq., Township Attorney
  - d. Marvin and Dalia Winick

At 9:55 PM, Councilman Kovalski moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called, and the executive session commenced at 10:15 PM.

RESOLUTION # 2003-67

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 27th day of February, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely anticipated litigation, acquisition of property and contract negotiations.

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 60 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 11:00 PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Councilman Kovalski, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2003-68 (Authorizing Release of Certain Portions of the Official Minutes of Executive Session of June 28, 2001) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-68

RESOLUTION AUTHORIZING THE RELEASE OF CERTAIN PORTIONS OF THE  
OFFICIAL MINUTES OF EXECUTIVE SESSION  
DISCUSSIONS OF JUNE 28, 2001

WHEREAS, the public may be excluded from certain discussions held during public meetings pertaining to matters set forth in *N.J.S.A. 10:4-12*; and

WHEREAS, the Township Council of the Township of Marlboro has previously adopted an official policy concerning the conduct and maintenance of the required minutes of such executive sessions; and

WHEREAS, the said policy requires that a determination be made by the Township Council, on a case by case basis, that the disclosure of the official minutes of such executive sessions will not subvert the public interest; and

WHEREAS, the Township Council, having made a determination that the confidentiality of certain portions of the official minutes of the executive session held on June 28, 2001 is no longer required, wishes to authorize the disclosure of such portions as provided herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that certain portions of the official minutes of the executive session of the Township Council held on June 28, 2001 shall be disclosed as provided in Exhibit "A" attached hereto.

\* Copies of attached material to be found in regular minute book in Clerk's office.

At 11:05PM, Councilman Kovalski moved that the meeting be adjourned. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED:            March 27, 2003

OFFERED BY: Denkensohn

AYES: 5

SECONDED BY: Kovalski

NAYS: 0

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ALIDA DE GAETA  
MUNICIPAL CLERK

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ELLEN KARCHER  
COUNCIL PRESIDENT