

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

AUGUST 12, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on August 12, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Denkensohn 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 January 5, 2004; 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.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilwoman Morelli, and Councilman Pernice. Council President Mione was absent.

Also present were: Mayor Kleinberg, Andrew Bayer, Esq., Acting Business Administrator Judith Tiernan and Municipal Clerk Alida DeGaeta.

The Clerk called the Roll.

Public Information Report - Public Information Director Susan Levine reported on the following "Just Released" items on the Marlboro Township website: "Fight the bite" mosquito guidelines, Citizen's Guide to Emergency Preparedness and gave the emergency hotline #1-888-LIGHTSS (1-888-544-4877) to report an electrical power outage. Ms. Levine continued by reminding the public that Alarm Systems must be registered with the Marlboro Township Police Department for an annual fee of \$10.00. Also, a limited number of direct connections are available for an annual fee of \$200.00 with a one-time connection fee of \$25.00. For further information, contact Jack Weiner at (732)536-0100 ext. 446. Ms. Levine also announced that

Marlboro Day is scheduled for Sunday, Sept. 12<sup>th</sup> and the Municipal Offices will be closed Mon., Sept. 6<sup>th</sup> in observance of Labor Day.

Councilman Pernice moved that the minutes of July 22, 2004 be approved. This motion was seconded by Councilwoman Morelli and the minutes as were passed on a roll call vote of 3 - 0, with Council Vice President Denkensohn abstaining (Absent: Mione).

Council Vice President Denkensohn opened the Public Hearing on Ordinance # 2004-13 (As Amended - Amending Chapter 84 - Public Hearing and Notice Requirements). Andrew Bayer, Esq. and Council members discussed various provisions of the ordinance. After discussion, the following Resolution # 2004-256/Ord. # 2004-13 (As Amended - Amending Chapter 84 - Public Hearing and Notice Requirements) was tabled to the September 9<sup>th</sup> agenda (Absent: Mione).

Council Vice President Denkensohn opened the Public Hearing on Ordinance # 2004-16 (Amending Chapter 84 - SCMFD-II Senior Citizen Multifamily District II and MFPHD Multifamily/Patio Home District). Council Vice President Denkensohn read into the record the Planning Board's additional recommendations, which were responded to by Andrew Bayer, Esq. After the Public Hearing was closed, discussion followed, after which the following Resolution # 2004-257/Ord. # 2004-16 (Amending Chapter 84 - SCMFD-II Senior Citizen Multifamily District II and MFPHD Multifamily/Patio Home District) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 (Absent: Mione).

RESOLUTION # 2004-257

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

ORDINANCE # 2004-16

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 84 "LAND USE DEVELOPMENT AND

REGULATIONS", ARTICLE III "ZONING: STANDARDS  
AND REGULATIONS", SECTION 84-48.4 "SCMFD-II  
SENIOR CITIZEN MULTIFAMILY DISTRICT II" AND  
SECTION 84-48.5 "MFPHD MULTIFAMILY/PATIO  
HOME DISTRICT" OF THE CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY

which was introduced at a public hearing held July 22,  
2004, be adopted on second and final reading this 12<sup>th</sup> day  
of August, 2004.

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

Council Vice President Denkensohn opened the Public  
Hearing on Ordinance # 2004-17 (Amending Bond Ordinance  
#2002-17). As there was no one who wished to speak,  
the Public Hearing was closed. The following  
Resolution # 2004-258/Ord. # 2004-17 (Amending Bond  
Ordinance #2002-17) was introduced by reference,  
offered by Councilwoman Morelli, seconded by Councilman  
Burrows and passed on a roll call vote of 4 - 0  
(Absent: Mione).

RESOLUTION # 2004-258

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

ORDINANCE # 2004-17

AN ORDINANCE OF THE TOWNSHIP OF  
MARLBORO, IN THE COUNTY OF MONMOUTH, NEW  
JERSEY, AMENDING ORDINANCE NO. 2002-17 OF  
THE TOWNSHIP FINALLY ADOPTED JUNE 13, 2002,  
PROVIDING FOR VARIOUS IMPROVEMENTS FOR AND  
BY THE TOWNSHIP OF MARLBORO

which was introduced at a public hearing held July 22,  
2004, be adopted on second and final reading this 12<sup>th</sup> day  
of August, 2004.

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

ORDINANCE # 2004-17

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY,  
AMENDING ORDINANCE NO. 2002-17 OF THE  
TOWNSHIP FINALLY ADOPTED JUNE 13, 2002,  
PROVIDING FOR VARIOUS IMPROVEMENTS FOR  
AND BY THE TOWNSHIP OF MARLBORO

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

Section A. Section 7 of Bond Ordinance No. 2002-17 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted June 13, 2002 (the "Prior Ordinance"), is hereby amended to read as follows:

"Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than (i) up to \$150,000 in grant moneys to be received from the New Jersey Department of Transportation ("NJDOT") in respect of improvements to School Road East from New Jersey State Highway 70 to Dutch Lane Road (Account No. 00-480-078-6320-AA8-6010), (ii) up to \$150,000 in grant moneys to be received from the NJDOT in respect of improvements to Robertsville Road from the south property line of Block 331, Lot 55 to the intersection of Gordons Corner Road and Vista Drive, and improvements to Union Hill Road from 300 feet west of the Clayton Road off-ramp to the Manalapan Township boundary line (Account No. 03-480-078-8826-AG5-6010), and (iii) up to \$100,000 in grant moneys to be received in respect of improvements to Robertsville Road from Serpentine Drive to the Old Bridge Township boundary (Account No. 04-480-078-6320-AIH-6010), none of which grant moneys are appropriated hereby) shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used."

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

Section C. After passage upon first reading of this bond ordinance, the Township Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section D. After final adoption of this bond ordinance by the Mayor and Council, the Township Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section E. This ordinance amends Bond Ordinance No. 2002-17 of the Township finally adopted June 13, 2002. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section F. This bond ordinance shall take effect 20 days after the first publication thereof after final

adoption, as provided by Section D hereof and the Local Bond Law.

Council Vice President Denkensohn opened the Public Hearing on Ordinance # 2004-18 (Amending Bond Ordinance #2003-11). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-259/Ord. # 2004-18 (Amending Bond Ordinance #2002-11) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 (Absent: Mione).

RESOLUTION # 2004-259

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

ORDINANCE # 2004-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY,  
AMENDING ORDINANCE NO. 2003-11 OF THE  
TOWNSHIP FINALLY ADOPTED JUNE 26, 2003,  
PROVIDING FOR VARIOUS IMPROVEMENTS FOR  
AND BY THE TOWNSHIP OF MARLBORO

which was introduced at a public hearing held July 22, 2004, be adopted on second and final reading this 12<sup>th</sup> day of August, 2004.

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

ORDINANCE # 2004-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY,  
AMENDING ORDINANCE NO. 2003-11 OF THE  
TOWNSHIP FINALLY ADOPTED JUNE 26, 2003,  
PROVIDING FOR VARIOUS IMPROVEMENTS FOR AND  
BY THE TOWNSHIP OF MARLBORO

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not

less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section A. Section 3(a) of Bond Ordinance No. 2003-11 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted June 26, 2003 (the "Prior Ordinance"), is hereby amended such that the description of the project listed in clause (a) under the subheading entitled "Engineering Department Roadway Improvements", for which the Appropriation and Estimated Cost is identified as \$1,000,000 and the Estimated Maximum Amount of Bonds and Notes is identified as \$950,000, is amended from "School Road East Reconstruction" to "School Road East Reconstruction, including Design relating thereto".

Section B. Section 6(d) of the Prior Ordinance is hereby amended such that the aggregate amount for items of expense listed in and permitted under Section 20 of the Local Bond Law is amended from \$325,000 to \$425,000.

Section C. Section 7 of the Prior Ordinance is hereby amended to read as follows:

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than (i) up to \$150,000 in grant moneys to be received from the New Jersey Department of Transportation ("NJDOT") in respect of improvements to School Road East from New Jersey State Highway 70 to Dutch Lane Road (Account No. 00-480-078-6320-AA8-6010), (ii) up to \$150,000 in grant moneys to be received from the NJDOT in respect of improvements to Robertsville Road from the south property line of Block 331, Lot 55 to the intersection of Gordons Corner Road and Vista Drive, and improvements to Union Hill Road from 300 feet west of the Clayton Road off-ramp to the Manalapan Township boundary line (Account No. 03-480-078-8826-AG5-6010), and (iii) up to \$100,000 in grant moneys to be received in respect of improvements to Robertsville Road from Serpentine Drive to the Old Bridge Township boundary (Account No. 04-480-078-6320-AIH-6010), none of which grant moneys are appropriated hereby) shall be applied either to direct payment of the cost of the improvements or to payment of the

obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used."

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

Section E. After passage upon first reading of this bond ordinance, the Township Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section F. After final adoption of this bond ordinance by the Mayor and Council, the Township Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section G. This ordinance amends Bond Ordinance No. 2002-17 of the Township finally adopted June 13, 2002. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is

hereby repealed or amended to the extent necessary to make it consistent herewith.

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

Council Vice President Denkensohn opened the Public Hearing on Ordinance # 2004-19 (Providing Appropriation for NJDOT Grant monies). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-260/Ord. # 2004-19 (Providing Appropriation for NJDOT Grant monies) was introduced by reference, offered by Councilman Burrows, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 (Absent: Mione).

RESOLUTION # 2004-260

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

ORDINANCE # 2004-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY  
PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR  
AND BY THE TOWNSHIP OF MARLBORO, AND  
APPROPRIATING \$400,000 THEREFOR FROM THE  
RECEIPT OF CERTAIN GRANT MONEYS

which was introduced at a public hearing held July 22, 2004, be adopted on second and final reading this 12<sup>th</sup> day of August, 2004.

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

ORDINANCE # 2004-19

AN ORDINANCE OF THE TOWNSHIP OF  
MARLBORO, IN THE COUNTY OF MONMOUTH,  
NEW JERSEY PROVIDING FOR VARIOUS ROAD  
IMPROVEMENTS FOR AND BY THE TOWNSHIP OF

MARLBORO, AND APPROPRIATING \$400,000  
THEREFOR FROM THE RECEIPT OF CERTAIN  
GRANT MONEYS

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

Section 1. The grant moneys to be received from the New Jersey Department of Transportation ("NJDOT") under Account No. 00-480-078-6320-AA8-6010, in the amount of \$150,000, are hereby appropriated for improvements to School Road East from New Jersey State Highway 79 to Dutch Lane Road, as more fully described in the application relating to said grant.

Section 2. The grant moneys to be received from the NJDOT under Account No. 03-480-078-8826-AG5-6010, in the amount of \$150,000, are hereby appropriated for improvements to Robertsville Road from the south property line of Block 331, Lot 55 to the intersection of Gordons Corner Road and Vista Drive, and for improvements to Union Hill Road from 300 feet west of the Clayton Road off-ramp to the Manalapan Township boundary line, as more fully described in the application relating to said grant.

Section 3. The grant moneys to be received from the NJDOT under Account No. 04-480-078-6320-AIH-6010, in the amount of \$100,000, are hereby appropriated for improvements to Robertsville Road from Serpentine Drive to the Old Bridge Township boundary, as more fully described in the application relating to said grant.

Section 4. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 5. This ordinance shall take effect as provided by law.

The following Resolution # 2004-261/Ord. # 2004-20 (Prohibiting Smoking at Township Events - Except In Designated Areas) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-261

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

ORDINANCE # 2004-20

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 105 "PARKS AND PLAYGROUND", SECTION 105-5 "RECREATIONAL FACILITIES LIMITED TO INTENDED USE," OF THE CODE OF THE TOWNSHIP OF MARLBORO TO RESTRICT SMOKING AT MARLBORO TOWNSHIP RECREATION & PARKS COMMISSION FACILITIES AND EVENTS

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 23, 2004 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 # 2004-20

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 105 "PARKS AND PLAYGROUND", SECTION 105-5 "RECREATIONAL FACILITIES LIMITED TO INTENDED USE," OF CODE OF THE TOWNSHIP OF MARLBORO TO RESTRICT SMOKING AT MARLBORO TOWNSHIP RECREATION & PARKS COMMISSION FACILITIES AND EVENTS

WHEREAS, pursuant to Chapter 105, Section 105-5 of the Code of the Township of Marlboro, the Marlboro Township Recreation & Parks Commission shall post signs at its recreational facilities clearly indicating the public areas and events where pets shall not be permitted during special events; and

WHEREAS, the Marlboro Township Recreation & Parks Commission recommends that that the Code of the Township of Marlboro be amended so it can post signs at its recreational facilities clearly indicating the public areas and events where smoking shall not be permitted during special events as approved by the Marlboro Township Recreation & Parks Commission.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 105 "Parks and Playgrounds," Section 105-5 "Recreational Facilities Limited to Intended Use," of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 105-5

Recreational facilities limited to intended use.

Subsection B of Section 105-5 is hereby amended in its entirety to read as follows:

"The Recreation Commission shall, for purposes of public health, safety and welfare during special events, cause signs to be clearly posted indicating those public areas and events where smoking shall not be permitted. Such signs shall read "No Smoking Permitted" or language substantially similar. During such events, in duly designated and posted areas, smoking shall be prohibited. Any person in possession of a lit substance, including, but not limited to, cigarette, cigar or pipe, shall not be permitted to enter parks or other areas so designated during special events. For purposes of this section, "special events" shall be defined as stated in Subsection A of this section."

Subsection B of Section 105-5 is recodified as Subsection C of Section 105-5.

Subsection C of Section 105-5 is recodified as Subsection D of Section 105-5

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2004-262 (Authorizing Contract - North American Realty) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-262

RESOLUTION AUTHORIZING THE TOWNSHIP OF  
MARLBORO TO ENTER INTO A PROFESSIONAL  
SERVICES CONTRACT WITH NORTH AMERICAN  
REALTY ADVISORY SERVICES REGARDING THE  
REDEVELOPMENT OF THE MARLBORO STATE  
HOSPITAL PROPERTY

WHEREAS, there exists a continued need for the Township of Marlboro to retain the services of a realty professional in order to perform various tasks associated with the Township's redevelopment of the Marlboro State Hospital property; and

WHEREAS, the Township of Marlboro has received a proposal from North American Realty Advisory Services dated July 27, 2004 to provide redevelopment services for the Marlboro State Hospital property in an amount not to exceed \$40,000.00; and

WHEREAS, those redevelopment services will include, among other things, identifying and qualifying the various federal and state programs that could provide funding to

the Township of Marlboro for the purchase, demolition, environmental remediation and future utility improvement of the Marlboro State Hospital property; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, pursuant to the terms and conditions of the proposal dated July 27, 2004, in a form legally acceptable to the Township Attorney, between North American Realty Advisory Services and the Township of Marlboro in connection with the provision of redevelopment services for the Marlboro State Hospital property in an amount not to exceed \$20,000, except that the hourly rates reflected on Schedule A of North American Realty Advisory Services' proposal shall be reduced by 10 percent; and

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

- a. North American Realty Advisory Services
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-263 (Authorizing Contract - Monmouth Conservation Foundation - Consulting Services Open Space Committee) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-263

A RESOLUTION AUTHORIZING THE EXECUTION  
OF A CONTRACT BETWEEN MONMOUTH  
CONSERVATION FOUNDATION AND THE  
TOWNSHIP OF MARLBORO FOR THE PROVISION  
OF LAND PRESERVATION CONSULTING  
SERVICES FOR THE TOWNSHIP OF MARLBORO  
OPEN SPACE ADVISORY COMMITTEE

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of land preservation consulting services for the Township of Marlboro Open Space Advisory Committee; and

WHEREAS, the Township of Marlboro has received a proposal from the Monmouth Conservation Foundation dated June 30, 2004 to provide land preservation consulting services for the Township of Marlboro Open Space Advisory Committee in the amount of \$75.00 per billable hour to be capped at a maximum of 10 hours per week; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in accordance with the proposal supplied by the Monmouth Conservation Foundation dated June 30, 2004, in a form legally acceptable to the Township Attorney between Monmouth Conservation Foundation and the Township of Marlboro for the provision of land preservation consulting services for the Township of Marlboro Open Space Advisory Committee in an amount not to exceed \$3,000.00. Monmouth Conservation Foundation shall perform only those services as authorized

by the Township of Marlboro Business Administrator, and this contract shall terminate as of December 31, 2004; and

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

- a. Monmouth Conservation Foundation
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-264 (Authorizing EUS - Design of Union Hill Road Improvements) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-264

A RESOLUTION AUTHORIZING THE EXECUTION OF A  
CONTRACT FOR DESIGN OF UNION HILL ROAD  
IMPROVEMENTS BETWEEN THE TOWNSHIP OF MARLBORO  
AND BIRDSALL ENGINEERING, INC.

WHEREAS, a need exists for the Township of Marlboro to employ an Engineer to design improvements on Union Hill Road; and

WHEREAS, the Mayor has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide said design services to the Township of Marlboro for a total amount not to exceed \$12,500.00; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to entered into a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro for the provision of engineering and design services to the Township of Marlboro for a total amount not to exceed \$12,500.00. Birdsall Engineering, Inc. shall perform only those services authorized by the Mayor, Chief Financial Officer or Business Administrator; and

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

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-265 (Authorizing EUS - design of Robertsville Rd. & 520 improvements) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-265

A RESOLUTION AUTHORIZING THE EXECUTION OF A  
CONTRACT FOR DESIGN OF ROBERTSVILLE ROAD &  
RT. 520 IMPROVEMENTS BETWEEN THE TOWNSHIP OF  
MARLBORO AND BIRDSALL ENGINEERING, INC.

WHEREAS, a need exists for the Township of Marlboro to employ an Engineer to design improvements on Robertsville Road & Rt. 520; and

WHEREAS, the Mayor has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide said design services to the Township of Marlboro for a total amount not to exceed \$24,600.00; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to entered into a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro for the provision of engineering and design services to the Township of Marlboro for a total amount not to exceed \$24,600.00. Birdsall Engineering, Inc. shall perform only those services authorized by the Mayor, Chief Financial Officer or Business Administrator; and

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

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-266 (Authorizing EUS - Deep Run Stream Cleaning) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-266

A RESOLUTION AUTHORIZING THE EXECUTION OF  
A CONTRACT FOR DETAILED FIELD ASSESSMENT  
OF DEEP RUN STREAM BETWEEN THE TOWNSHIP OF  
MARLBORO AND BIRDSALL ENGINEERING, INC.

WHEREAS, a need exists for the Township of Marlboro to employ an Engineer for detailed field assessment of Deep Run Stream; and

WHEREAS, the Mayor has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide said design services to the Township of Marlboro for a total amount not to exceed \$28,500.00; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to entered into a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro for the provision of engineering and design services to the Township of Marlboro for a total amount not to exceed \$28,500.00. Birdsall Engineering, Inc. shall perform only those services authorized by the Mayor, Chief Financial Officer or Business Administrator; and

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

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-267 (Authorizing EUS - Design of Rockwell Circle and Alison Court Improvements) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-267

A RESOLUTION AUTHORIZING THE EXECUTION OF A  
CONTRACT FOR DESIGN OF ROCKWELL CIRCLE AND  
ALISON COURT IMPROVEMENTS BETWEEN THE TOWNSHIP  
OF MARLBORO AND BIRDSALL ENGINEERING, INC.

WHEREAS, a need exists for the Township of Marlboro to employ an Engineer for design of Rockwell Circle and Alison Court Improvements; and

WHEREAS, the Mayor has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide said design services to the Township of Marlboro for a total amount not to exceed \$35,000.00; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to entered into a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro for the provision of engineering and design services to the Township of Marlboro for a total amount not to exceed \$35,000.00. Birdsall Engineering, Inc. shall perform only those services authorized by the Mayor, Chief Financial Officer or Business Administrator; and

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

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer

d. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-268 (Supporting Application for DEP Grant for Deep Run Watershed Flood Control/Management Project) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION 2004-268

RESOLUTION SUPPORTING APPLICATION FOR A STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION FLOOD CONTROL  
PROJECT GRANT FOR THE DEEP RUN WATERSHED FLOOD  
CONTROL/MANAGEMENT PROJECT

WHEREAS, the "Dam, Lake, Stream, Flood Control, Water Resources and Wastewater Treatment Project Bond Act of 2003" has provided \$25,000,000.00 to finance state flood control projects; and

WHEREAS, the New Jersey Department of Environmental Protection ("the Department") is now preparing to distribute these funds to local governments to construct eligible flood control project as defined by statute; and

WHEREAS, the Township of Marlboro has devised a Deep Run Watershed Flood Control/Management Project designed to address chronic flooding in the project area, which project includes detailed field assessment and evaluation of remedial actions/strategies (stream cleaning, stormwater system repairs, stormwater management planning) and other flood control activities; and

WHEREAS, the Township's Deep Run Watershed Flood Control/Management Project includes activities eligible for grant funding as defined by the Bond Act of 2003 per the Department's correspondence of June 7, 2004;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Township of Marlboro does hereby authorize the Mayor to file an application for a Flood Control Project Grant with the Department requesting \$1,050,000.00 in grant funds against a total project cost

of \$1,400,000.00, with \$350,000.00 in in-kind services being contributed by the Township; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Mayor is hereby authorized to obligate the Township to the terms and conditions of a grant agreement for a Flood Control Project Grant from the Department.

The following Resolution # 2004-269 (Authorizing Purchase of 8 Police Cars under State Contract) was introduced by reference, offered by Councilman Burrows, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-269

A RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT NEW 2004 FORD CROWN VICTORIA POLICE CARS AND RELATED OPTIONS UNDER STATE CONTRACT #A45069

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase eight (8) new 2004 Ford Crown Victoria Police Cars and related options from Winner Ford of Cherry Hill, New Jersey under State Contract #A45069 for the amount of \$167,881.04; and

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

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

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase eight (8) new 2004 Ford Crown Victoria Police Cars and related options

from Winner Ford of Cherry Hill, New Jersey under State Contract #A45069 for the amount of \$167,881.04.

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

- a. Winner Ford of Cherry Hill, New Jersey
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-270 (Renew Membership - Monmouth Municipal Joint Insurance Fund) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-270

WHEREAS, the Township of Marlboro County of Monmouth is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2004 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Township of Marlboro agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage's, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

The following Resolution # 2004-271 (Swim Fees - 2005) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Denkensohn and passed on

a roll call vote of 4 - 0 in favor (Absent: Mione). There was a brief discussion between Council members.

RESOLUTION # 2004-271

RESOLUTION ESTABLISHING YEAR 2005  
SWIM DIVISION REGULATIONS AND FEES

WHEREAS, Chapter 132 of the Marlboro Township Code, entitled "Swimming Pool Facility, Municipal," provides that certain swim facility regulations and fees shall be established by Resolution of the Township Council on an annual basis; and

WHEREAS, the Swim Division Board of Directors has reviewed all of the Swim Facility programs for the 2005 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 2005, now wishes to provide its approval of same as follows.

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

1. That full-time membership in the Swimming Pool Facility for the 2005 season shall be limited to a maximum number of one thousand five hundred fifty (1,550) memberships.

2. That the number of part-time memberships which shall be available for the 2005 season shall be three hundred fifty (350). Part-time membership shall entitle the member to use the facility as follows in 2005:

Opening Day, Saturday, May 21, 2005 until Friday, June 24, 2005 - During this period, part-time members may use the facility anytime that it is open to the general membership.

Saturday, June 25, 2005 through Friday, July 15, 2005 - During this period, part-time members may use the facility on weekdays only, with the exception of Monday, July 4, 2005.

Saturday, July 16, 2005 through Monday, September 5, 2005 -  
 During this period, part-time members may use the facility  
 anytime that it is open to the general membership.

3. That the membership fees for full-time members  
 for the 2005 season shall be as follows based on date  
 payment is received or postmarked, whichever is later:

	<u>By 11/19/04</u>	<u>By 01/14/2005</u>	<u>After 01/14/2005</u>
(a) Family:	\$325.00	\$350.00	
	\$375.00		
(b) Individual	\$163.00	\$175.00	
	\$183.00		
(c) Senior citizen	\$ 82.00	\$ 88.00	\$ 94.00
(d) Additional Adult	\$163.00	\$175.00	\$188.00
(other than Senior Citizen)			

(e) There shall be an administrative fee of \$35.00 for the  
 refund of the 2005 full-time membership fee. No full-time  
 membership fee refund will be issued after the swim  
 facility opens for the season. Members shall not be  
 permitted to change from a family membership to an  
 individual membership after the swim facility opens for the  
 season.

4. That the membership fees for part-time members  
 for the 2005 season shall be as follows based on date  
 payment is received or postmarked, whichever is later:

	<u>By 11/19/04</u>	<u>By 01/14/2005</u>	<u>After 01/14/2005</u>
(a) Family:	\$300.00	\$325.00	
	\$350.00		
(b) Individual	\$150.00	\$163.00	
	\$175.00		
(c) Senior citizen	\$ 75.00	\$ 82.00	\$ 88.00
(d) Additional Adult	\$150.00	\$163.00	\$175.00
(other than Senior Citizen)			

(e) There shall be an administrative fee of \$35.00 for the  
 refund of the 2005 part-time membership fee. No part-time  
 membership fee refund will be issued after the swim  
 facility opens for the season.

Members shall not be permitted to change from a family membership to an individual membership after the swim facility opens for the season.

5. That the following mid season membership fees shall be available to any person who places their name on the wait list and applies for part-time family, individual or senior membership on or after July 1, 2005 and takes residency in the Township and wishes to become a member of the facility on or after the third Monday in July. [However, it should be noted that such part-time membership is only available up to the maximum enrollment established under paragraph 2 above]:

Family	-	\$200.00
Individual-		\$100.00
Senior	-	\$ 50.00

The fee for a mid-season membership is non-refundable.

6. That the fee during the 2005 season for returned checks which have been determined to be uncollectible shall be \$35.00.

7. That the fee for group swimming and diving lessons for the 2005 season shall be as follows:

- (a) Regular Group Swim Lessons - Ten (10) classes per session, each class one-half (1/2) hour in duration, at a cost of \$5.00 per class, \$50.00 per session.
- (b) Moms and Tots - Six (6) classes per session, each class one-half (1/2) hour in duration, at a cost of \$5.00 per class, \$30.00 per session.
- (c) Advanced Swimming and Introduction to Diving - Ten (10) classes per session, each class forty-five (45) minutes in duration, at a cost of \$7.00 per class, \$70.00 per session.

Payment must be for full session only. There will be no refund of swim lesson fee. There will be no make-up for rained out classes.

8. That the fee for private swim lessons [one-half (1/2) hour in duration] for the 2005 season shall be as follows:

- (a) Interested members shall purchase a coupon book containing three (3) coupons at a cost of fifty dollars (\$50.00).
- (b) For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club office at the Municipal Complex. The instructor shall receive thirteen dollars (\$13.00) per one-half (1/2) hour lesson.
- (b) There shall be no refund of the private swim lesson Fee.

9. That there shall be a swim team fee during the 2005 season which shall be as follows:

\$45.00 for the first child in family  
\$40.00 for the second child in family  
\$35.00 for each additional child in family

In addition, the following regulations shall apply:

- (a) There shall be no refund of the swim team fee.
- (b) Of the swim team fee, the swim team shall receive fifty percent (50%) and the Swim Club shall retain the other fifty percent (50%).
- (c) There shall be a separate fee for the year-end Swim Team Banquet, to be determined by the Swim Team Parent's Organization.
- (d) There shall be a separate fee for the hospitality table of seven dollars and fifty cents (\$7.50) per family. The swim team shall receive 100% of this fee.

10. That the fee for private diving lessons [one-half (1/2) hour in duration] for the 2005 season shall be as follows:

- (a) Interested members shall purchase a coupon book containing three (3) coupons at a cost of fifty dollars (\$50.00).
- (b) For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club office at the Municipal Complex. The instructor shall receive thirteen dollars and (\$13.00) per one-half (1/2) hour lesson.
- (c) There shall be no refund of the private diving lesson fee.

11. That the fee for children enrolled in the Swim Club Day Camp for the half-day program for the 2005 season shall be \$450.00. That the fee for children enrolled in the Swim Club Day Camp for the full-day program for the 2005 season shall be \$600.00. The day camp refund policy shall be as follows:

- (a) There will be no camp refund after March 31, 2005
- (b) If a child is withdrawn before the start of camp and prior to March 31, 2005 an administrative fee in the amount of \$40.00 shall be retained by the Swim Club.
- (c) If a child is asked by the Swim Club Management to leave camp during the first three weeks, only twenty-five percent (25%) of the fee shall be refunded.

12. That the hours of operation of the pool facility for the 2005 season shall be provided to each membership (full-time and part-time) in the Schedule of Operations. A Schedule of Operations shall be mailed to each member prior to the start of the season and shall be available at the office at the swim facility and at the Swim Club office at the Municipal Complex.

13. That the fee for taking a membership identification photograph for each member after the swim club opens for the 2005 season shall be \$7.00 per member.

14. That the fee to replace a lost identification card for the 2005 season shall be five dollars (\$5.00) per card.

15. That the set-up fee for a member party at the Swim Club requiring tables and chairs shall be as follows:

<u>Set Up</u>	<u>Fee</u>
2 Tables, 20 Chairs:	\$25.00
Additional Tables:	\$ 5.00 each
Additional Chairs	\$ 1.00 each

At the discretion of the Swim Club Management, a refund of all fees paid for a party set-up may be made due to inclement weather.

16. (a) That the fee for guest books for the 2005 season (per book of 20 coupons) shall be \$2.00 per coupon (\$40.00 per book). The number of coupons required for admittance into the facility for the 2005 season shall be as follows:

Daily Fee (weekdays, weekends and holidays)	After 4:00 p.m., Except days with late night
programming	

	<u># of Tickets</u>	<u>Fee</u>	<u># of Tickets</u>	<u>Fee</u>
ADULT	4	\$8.00	2	\$4.00
CHILD	2	\$4.00	1	\$2.00
SENIOR	2	\$4.00	1	\$2.00

(b) For the 2005 season, in order to provide an incentive to the Swim Club staff, any staff member may purchase guest books for their own use.

17. That the registration fee for a wait list application shall be \$25.00.

18. That the regulations governing use of the swim facility by a competitive swim team or outside organization during the 2005 season shall be as follows:

- (a) The fee for use of the facility by a competitive swim team shall be \$40.00 per hour.
- (b) The number of main pool lanes to be available to a competitive swim team per day shall be at the discretion of the on-duty pool manager.
- (c) The fee, if any, for the use of the facility by any other type of outside organization shall be determined on a case by case basis by the Swim Division Board of Directors.

19. Any member who elects to freeze their membership for the 2005 season shall pay a fee of \$25.00, to defray administrative costs.

20. In the event that a wait list person is called for membership in the swim club facility, he shall have the right to defer membership for the first season in which it is offered. The cost to defer membership for the 2005 season will be \$25.00.

21. That the following additional regulations and fees shall be established for the 2005 season:

- (a) In order to provide an incentive to the Swim Club staff, any seasonal staff member employed by the Swim Club who works over (250) hours per year, or who works from the beginning of their program to the end of their program, or who works the contractual number of hours for which they were hired, may enroll up to two (2) of their children in the Swim Club day camp program for the 2005 season and that staff member may deduct the following applicable amounts from the day camp fee:
  - i. First Child: \$300.00
  - ii. Second Child: \$150.00

(b) That for the 2005 season, scholarships for membership or for any program conducted by the swim facility shall be granted as follows:

i. A membership shall only be eligible for scholarship assistance for three (3) consecutive seasons.

ii. The Swim Division shall be authorized to issue no more than ten (10) scholarships

(c) There shall be available limited-use memberships for Marlboro Township municipal employees for the 2005 season. The fees and schedule for use of the swim facility by a Marlboro Township municipal employee for the 2005 season shall be as follows:

i. Any Township municipal employee and their immediate family (i.e., husband, wife and/or children) may use the facility on one (1) day in May, on one (1) day in June and on one (1) day in August in accordance with the following schedule:

May

Saturday, May 21  
Sunday, May 22  
Saturday May 28  
Sunday May 29  
Monday May 30

June

Saturday - Sunday, June 4 - 5  
Saturday - Sunday, June 11- 12  
Saturday - Sunday, June 18 - 19

August

Saturday - Sunday, August 20 - 21  
Saturday - Sunday, August 27 - 28

ii. The fee per day for use of the swim facility by any Township municipal employee shall be as follows:

Per Person

Adult:                 \$4.00  
Child\*:                \$2.00

(\*over 2 years of age and under 21 years of age)

iii. On any day, Monday through Friday, except holidays, between the hours of 12:00 noon and 2:30 p.m., any Township municipal employee may use the swim facility during their lunch hour. There shall be no fee for this accommodation. However, prior authorization shall be required and can be obtained from the Swim Club office at the municipal complex.

(d) The Marlboro Township Office of Public Information distributes a "Welcome Pak" to new families that move into the township. In order to encourage new township families to experience the facility, this resolution will authorize the Swim Club to allow any new family moving into the township to use the swim club for up to two days at no charge.

The Swim Club Board of Directors believes that this trial offer is a positive thing for new resident, that it will reflect well on the Township and that it may also generate new membership at the facility.

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

- (a) Arthur Lawrence, Swim Director
- (b) Marlboro Swim Club Division
- (c) Business Administrator
- (d) Gluck Walrath & Lanciano, LLP

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione): Res. #2004-272 (Redemption Tax Sale Cert 02-16), Res. #2004-273 - Tax Refund - Block 159, Lot 3.33), Res. #2004-274 - Refunds for Overbilled Taxes - Various), Res. #2004-275 (Mon. County Judgments - Apply Unpaid Balances)- Various, Res. #2004-276 (Refunds for Mon. County

Judgments - Various), Res. #2004-277 - Senior Citizen Deduction - B. 177, L. 1), Res. #2004-278 (Widow of Veteran Deduction - B. 376, Lot 15), Res. #2004-279 (Veteran Deductions - Various), Res. #2004-280 - Widow of Disabled Veteran Exemption - B. 388, L.14), Res. #2004-281 - Disabled Veteran Exemption - B. 386, L. 50), Res. #2004-282 (Canceling Taxes on Property Leased by Midway-Mobile Homeowner's Assn. - B. 147 - L. 43), Res. #2004-283 (Canceling Second Half 2004 Taxes - Exempted Property).

RESOLUTION # 2004-272

WHEREAS, Tax Sale Certificate 02-16 for Block 360 Lot 1.01, assessed to Middlesex Dev. Group of Marlboro, located at 2 Castlehill Drive, has been redeemed in the amount of \$15,861.91,

WHEREAS, the holder of the above-mentioned tax sale certificate, Betty Simon, Trustee LLC, is entitled to the amount of the sale plus interest and costs totaling \$15,861.91,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$15,861.91 be refunded to the holder of said certificate as above.

RESOLUTION # 2004-273

WHEREAS, a payment for 2004 first quarter taxes has been received by the former assessed owner, K. Hovnanian, in the amount of \$464.41 for Block 159 Lot 3.33, located on Independence Way, based upon the preliminary bill, and,

WHEREAS, the 2004 taxes are now exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$464.41 to the above-referenced owner.

RESOLUTION # 2004-274

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2004, and,

WHEREAS, the 2004 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 \$19,206.69 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
157	32 QFARM	Joseph Manzo	\$1,350.71
	Conover Road	4 Longbridge Road Colts Neck, NJ 07722	
312	48	James & Linda Smith	125.87
	28 Susan Drive	28 Susan Drive Marlboro, NJ 07746	
364	64 QFARM	Joseph Manzo	842.51
	School Road East	4 Longbridge Road Colts Neck, NJ 07722	
412	168.01	CVS 862 NJ, L.L.C.	16,887.60
	Rte 79 & Ryan Road	One CVS Drive Woonsocket, RI 02895	
TOTAL:			<u>\$19,206.69</u>

RESOLUTION # 2004-275

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year, 2004, as per the attached Schedule "A",

WHEREAS, there are changes in ownership for 2004, the Tax Collector is directed to refund the amount of \$6,285.07 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$6,285.07 as noted above.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNERS</u>	<u>REFUND</u>
180	18	Schneider & Birnberg, LLC. \$6,093.61

3 Evan Drive	557 Cranbury Road East Brunswick, NJ 08816 Attn: Adam Schneider, Esq. Re: Financial Resources, LLC (Former Assessed Owner)	
214.01 35 15 Breton Court	Frank Delle Donne, Esq. 9511 Shore Road Suite 502 Brooklyn, NY 11209 Re: Thomas & Dina Paglio (Former Assessed Owners)	191.46
	TOTAL:	<u>\$6,285.07</u>

RESOLUTION # 2004-275

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year, 2004, as per the attached Schedule "A",

WHEREAS, there are changes in ownership for 2004, the Tax Collector is directed to refund the amount of \$6,285.07 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$6,285.07 as noted above.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNERS</u>	<u>REFUND</u>
180 18 3 Evan Drive	Schneider & Birnberg, LLC. 557 Cranbury Road East Brunswick, NJ 08816 Attn: Adam Schneider, Esq. Re: Financial Resources, LLC (Former Assessed Owner)	\$6,093.61
214.01 35 15 Breton Court	Frank Delle Donne, Esq. 9511 Shore Road Suite 502 Brooklyn, NY 11209 Re: Thomas & Dina Paglio (Former Assessed Owners)	191.46

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TOTAL: \$6,285.07

RESOLUTION # 2004-276

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year, 2004, as per the attached Schedule "A",

WHEREAS, the 2004 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$2,684.92,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$2,684.92 as noted above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
193.03	6	Kenneth & Marla Schachter	\$ 575.36
115 Rolling Hill Dr.		115 Rolling Hill Drive	
		Morganville, NJ 07751	
306	5	David Cohen	2,109.56
133 Micki Drive		113 Micki Drive	
		Morganville, NJ 07751	
TOTAL:			<u>\$2,684.92</u>

RESOLUTION # 2004-277

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2004 for Block 177 Lot 1, located on 82 Route 520, assessed to Edward & Kathy Bingham,

WHEREAS, taxes for the year 2004 have an unpaid balance on the above-referenced block & lot,

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

RESOLUTION # 2004-278

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2004 for

Block 376 Lot 15, located on 121 Peasley Drive, assessed to Sydelle Schechter,

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

RESOLUTION # 2004-279

WHEREAS, Veteran deductions totaling \$750.00 have been granted as per the attached Schedule "A" for the year 2004,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
126	6	James & Theresa Moran	\$250.00
29 Baldwin Avenue		29 Baldwin Avenue Morganville, NJ 07751	
329	4	David & Bonita Riley	250.00
8 Evergreen Drive		8 Evergreen Drive Marlboro, NJ 07746	
412	75	James Rizzo & Lorri Yackley	250.00
11 Damascus Drive		11 Damascus Drive Marlboro, NJ 07746	
TOTAL:			<u>\$ 750.00</u>

RESOLUTION # 2004-280

WHEREAS, the Tax Assessor has granted a Widow of a disabled veteran exemption for Beatrice Siegel, Block 388 Lot 14, located at 29 Suffolk Way,

WHEREAS, taxes were billed for the year 2004 second half in the amount of \$2,354.83,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the amount of \$2,354.83.

RESOLUTION # 2004-281

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Sam Halperin, Block 386 Lot 50, located at 11 Lansdale Drive,

WHEREAS, taxes for the 2004 first quarter were previously cancelled in the amount of \$1,030.58,

WHEREAS, taxes were billed for the 2004 second, third and fourth quarters in the amount of \$3,468.82,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the amount of \$3,468.82.

RESOLUTION # 2004-282

RESOLUTION CANCELING 2004 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 2004 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 2004 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$14,027.65, 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 # 2004-283

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the year 2004,

WHEREAS, these Blocks and Lots are now assessed to the Township of Marlboro and are exempt as of July 1<sup>st</sup>, 2004,

WHEREAS, the Township Tax Collector has recommended that the 2004 second half taxes be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2004 second half taxes totaling \$4,289.35 as stated above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
159	1 & 1 QFARM	Township of Marlboro	\$ 3,146.16
	Pleasant Valley & Conover Road		
160	8 & 8 QFARM	Township of Marlboro	1,143.19
	133 Conover Road		
TOTAL:			<u>\$4,289.35</u>

At 9:55PM, Councilman Burrows moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Mione).

MINUTES APPROVED: September 23, 2004

OFFERED BY: Morelli

AYES: 4

SECONDED BY: Pernice

NAYS: 0

ABSENT: MIONE

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ALIDA DE GAETA  
MUNICIPAL CLERK

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BARRY DENKENSOHN  
COUNCIL VICE PRESIDENT

