

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

SEPTEMBER 9, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on September 9, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione 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, Councilman Pernice and Council President Mione.

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

The Clerk called the Roll.

The following Resolution # 2004-284/Ord. # 2004-13 (As Amended) (Amending Chapter 84 - Public Hearing/Notice Requirements) was introduced by reference, offered by Councilwoman Morelli, and seconded by Council Vice President Denkensohn.

RESOLUTION # 2004-284

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

ORDINANCE # 2004-13 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 84 "LAND USE DEVELOPMENT AND
REGULATIONS", ARTICLE II "LAND USE
PROCEDURES", SECTION 84-11 "PUBLIC
HEARINGS AND NOTICES" OF THE CODE OF
THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for
final passage on October 14, 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 # 2004-13 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 84 "LAND USE DEVELOPMENT AND
REGULATIONS", ARTICLE II "LAND USE
PROCEDURES", SECTION 84-11 "PUBLIC
HEARINGS AND NOTICES" OF THE CODE OF
THE TOWNSHIP OF MARLBORO

WHEREAS, by Ordinance #2004-4, Chapter 84 "Land Use
Development Regulations" of the Code of the Township of
Marlboro was amended to require the posting of a Notice
Sign on a property which is the subject of an application
for development and to require that public notice be given
to all owners of real property located within 300 feet in
all directions of the property which is the subject of the
hearing; and

WHEREAS, since the adoption of that ordinance, the
Township of Marlboro Zoning Board of Adjustment has
expressed concerns regarding the burden that the new notice
requirements impose upon residents seeking variances
related to fences, pools, decks and other similar types of
applications for development; and

WHEREAS, after reviewing and considering the issue,
the Mayor and the Township Council believe it is in the
best interest of the residents of the Township of Marlboro
to revise Chapter 84 "Land Use Development Regulations" to
require that a Notice Sign be posted only for applications

for development seeking preliminary or final approval of a major site plan or preliminary approval of a major subdivision and to exempt single family residences in most instances from the requirement of the Notice Sign; and

WHEREAS, the Mayor and the Township Council desire to clarify what information may not be included on the Notice Sign; and

WHEREAS, the Mayor and the Township Council also desire to reduce the 300 feet public notice requirement to 200 feet; and

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 84 "Land Use Development and Regulations," Article II "Land Use Procedures," Section 84-11 "Public Hearings and Notices" of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 84-11 Public hearings and notices.

Section 84-11B(5) is amended to read as follows (amendments shown as underlined below):

"All public notices (other than Notice Signs) shall state the date, time and place of the public hearing, the nature of the all the matters to be considered and an identification of the property proposed for development by street address, if any or by reference to lot and block numbers and the location and times at which any maps and documents are available for public inspection. Notice Signs required to be erected on the property which is subject of the application for development shall state the name of the applicant, the name of the public body from which the applicant is seeking approval, the phone number of the public body where a person may seek information as to the date and time of the public hearing on the application and a statement that this number may be called to obtain such information, a brief description of the nature of the approval sought including the number of proposed dwelling units, the type of units, e.g., single family homes, town homes,

garden apartments, and in the case of non-residential uses, the nature of the proposed construction, e.g., warehouses, commercial use and the proposed square footage of the construction." Notwithstanding anything stated to the contrary herein, the requirement to erect a Notice Sign shall not apply to a single family residential lot provided (a) the application does not include a use variance request or (b) a minor subdivision which creates no new lots.

The Notice Sign shall not refer to any name of a planned development or that such development is "coming soon", "future site of" or any other language that a reasonable person may construe as the development having been approved prior to the applicant's receipt of an approval resolution either from the Planning Board or the Zoning Board of Adjustment. The Notice Sign shall not contain any other information except as authorized herein."

Section 84-11B(7) is amended by inserting the words "200 feet" for "300 feet" where it appears therein.

Section 84-11C(2) and Section 84-11C(4) are each amended by substituting the words "200 feet" for "300 feet" where it appears therein.

Section 84-11C(6) is amended by inserting the words "200 feet" for "300 feet" where it appears therein.

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 to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

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

The following Resolution # 2004-285/Ord. # 2004-21 (Bond Ordinance - Various Capital Improvements) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-285

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

ORDINANCE # 2004-21

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$2,160,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,062,000 IN BONDS OR NOTES OF THE TONWHSIP OF MARLBORO TO FINANCE THE SAME.

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

BE IT FURTHER RESOLVED that the same be considered for final passage on 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 # 2004-21

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$2,160,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,062,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$2,160,000, including the sum of \$98,000 as the several down payments required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required for the purpose described in Section 3(a)(3) hereof since such purpose involves a project to be funded, in part, by New Jersey Department of Transportation grant no. .04-480-078-6320-AIH-6010.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,062,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (1) Purpose: Acquisition of a cable studio generator for the Administration Department, and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$5,184 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$4,924 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$260 |

- (2) Purpose: Improvements to the Administration Department cable studio, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$2,592 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$2,462 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 130 |

- (3) Purpose: Road improvements to Route 520 from Lowe's to the Old Bridge Border, located in the Township, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$207,343 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$207,343 |
| <u>New Jersey Dept. of Transportation Grant:</u> | \$100,000 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$ 0 |

- (4) Purpose: Road improvements to Union Hill from Route 9 to the Manalapan Border, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$155,508 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$147,703 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$ 7,805 |

- (5) Purpose: Road improvements, including design, to Igoe Road from Pleasant Valley to Mockingbird, located in the Township, as more fully described on a list on file with

the Township Clerk and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$25,918 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$24,617 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$ 1,301 |

- (6) Purpose: Road improvements, including design, to Station Road from Crine to Route 79, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$72,570 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$68,928 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$ 3,642 |

- (7) Purpose: Road improvements, including design to Brown Road from Route 79 to Tennent, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$41,469 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$39,388 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$ 2,081 |

- (8) Purpose: Road improvements, including design, to Texas Road/Spring Valley Road, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$10,367 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$ 9,847 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$ 520 |

(9) Purpose: Improvements to the Fletcher Drive Ditch Outfall for purposes of determining method of unclogging the ditch, and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$25,918 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$24,617 |
| <u>Period or Average Period of Usefulness:</u> | 40 years |
| <u>Amount of Down Payment:</u> | \$ 1,301 |

(10) Purpose: Improvements to the under drain collector system located at Millay Road/Fletcher Drive, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$155,508 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$147,703 |
| <u>Period or Average Period of Usefulness:</u> | 40 years |
| <u>Amount of Down Payment:</u> | \$ 7,805 |

(11) Purpose: Repairs to the Rockwell Circle Pond and Dam, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$31,102 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$29,541 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 1,561 |

(12) Purpose: Stormwater Management Regulation Compliance, and including all else necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$25,918 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$24,617 |
| <u>Period or Average Period of Usefulness:</u> | 40 years |
| <u>Amount of Down Payment:</u> | \$ 1,301 |

(13) Purpose: Detention Basin Survey, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$10,367 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$ 9,847 |
| <u>Period or Average Period of Usefulness:</u> | 40 years |
| <u>Amount of Down Payment:</u> | \$ 520 |

(14) Purpose: Acquisition of a first aid vehicle for the Township First Aid Squad, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$134,773 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$128,009 |
| <u>Period or Average Period of Usefulness:</u> | 5 years |
| <u>Amount of Down Payment:</u> | \$ 6,764 |

(15) Purpose: Acquisition of computer hardware, computer software and a server for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$31,102 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$29,541 |
| <u>Period or Average Period of Usefulness:</u> | 5 years |
| <u>Amount of Down Payment:</u> | \$ 1,561 |

(16) Purpose: Acquisition of remote video surveillance equipment for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$10,367 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$ 9,847 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$ 520 |

(17) Purpose: Acquisition of storage racks and a dehumidifier for the Armory located in the Township, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$8,294
Maximum Amount of Bonds or Notes: \$7,878
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 416

(18) Purpose: Acquisition of storage racks for the Township Police Department evidence room, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$7,775
Maximum Amount of Bonds or Notes: \$7,385
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 390

(19) Purpose: Upgrade of the Township Police Department evidence room utilities, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$6,220
Maximum Amount of Bonds or Notes: \$5,908
Period or Average Period of Usefulness: 5 years
Amount of Down Payment: \$ 312

(20) Purpose: Upgrade of the Township Police Department electrical room utilities, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$3,629
Maximum Amount of Bonds or Notes: \$3,447
Period or Average Period of Usefulness: 5 years
Amount of Down Payment: \$ 182

(21) Purpose: Roadway, pavement and overlay improvements of various roads located in the Township, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$518,359
Maximum Amount of Bonds or Notes: \$492,344
Period or Average Period of Usefulness: 10 years

Amount of Down Payment: \$ 26,015

(22) Purpose: HVAC remediation in various Township buildings, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$103,672
Maximum Amount of Bonds or Notes: \$ 98,469
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 5,203

(23) Purpose: Painting of Recreation Center exterior and gym doors, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$43,542
Maximum Amount of Bonds or Notes: \$41,357
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 2,185

(24) Purpose: Acquisition of an emergency generator for the Fleet Maintenance Division of the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$155,508
Maximum Amount of Bonds or Notes: \$147,703
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 7,805

(25) Purpose: Acquisition of a Calcium Chloride Wetting System for the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$31,102
Maximum Amount of Bonds or Notes: \$29,541
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 1,561

(26) Purpose: Acquisition of a replacement mower for the Township Public Works Department,

and including all work and materials
necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$29,028 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$27,571 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 1,457 |

(27) Purpose: Acquisition of a replacement snowplow for the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$12,441 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$11,817 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 624 |

(28) Purpose: Acquisition of three pick up trucks for the Roads Division of the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$82,937 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$78,775 |
| <u>Period or Average Period of Usefulness:</u> | 5 years |
| <u>Amount of Down Payment:</u> | \$ 4,162 |

(29) Purpose: Acquisition of two pick up trucks for the Parks Division of the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$54,946 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$52,188 |
| <u>Period or Average Period of Usefulness:</u> | 5 years |
| <u>Amount of Down Payment:</u> | \$ 2,758 |

(30) Purpose: Various park improvements and acquisition of equipment as more fully described on a list on file with the Township Clerk, and including all work and

materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$36,285 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$34,464 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 1,821 |

(31) Purpose: Various recreation center improvements and acquisition of equipment as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$20,734 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$19,693 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 1,041 |

(32) Purpose: Acquisition of a sprinkler system for the Vanderburg Soccer Complex, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$62,203 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$59,081 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 3,122 |

(33) Purpose: Various improvements and acquisition of equipment for the Union Hill Complex, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$16,587 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$15,755 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 832 |

(34) Purpose: Various improvements and acquisition of equipment for the Recreation Community Center Park, as more fully described on a list on file with the

Township Clerk, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$12,441 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$11,817 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 624 |

(35) Purpose: Acquisition and installation of fencing at the Hawkins Road Park, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$8,294 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$7,878 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$ 416 |

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

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery

thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 13.6561 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,062,000, and the obligations authorized

herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$321,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (including the \$100,000 grant expected to be received from the New Jersey Department of Transportation which is appropriated pursuant to Section 3(a)(3) hereof) 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 hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use,

expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution # 2004-286 (Change Order - Silagy - 911 Memorial) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-286

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1,
SILAGY LANDSCAPING
MARLBORO REFLECTIONS MEMORIAL

WHEREAS, the consulting engineer recommends the authorization of Change Order No. 1 regarding an increase to furnish and install an Emergency Disconnect Switch for the Reflections Memorial Fountain as required by the Marlboro Township Electrical Inspector in the amount of \$3,998.00 for a total contract sum of \$92,313.00; and

NOW, THEREFORE, BE IT 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 Silagy Landscaping, in the form attached hereto, for an net additional consideration of \$3,998.00 for a total contract sum of \$92,313.00,

2. That the Chief Financial Officer has filed a Certificate of Availability of Sufficient Funds for this Change Order and attached same to this resolution.
3. That a certified copy of this resolution shall be provided to each of the following:
 - A. Silagy Landscaping
 - B. Gregory Valesi, PE, CME Associates
 - C. Chief Financial Officer
 - D. Township Attorney

The following Resolution # 2004-287 (Chapter 159 - Item of Revenue - Federal Body Armor Grant) was introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-287

ITEM OF REVENUE IN THE BUDGET OF MUNICIPALITY
PURSUANT TO N.J.S.A. 40A: 4-87 (Chapter 159, 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township of Marlboro has received a grant award for U.S. Department of Justice - Office of Justice Programs - Bulletproof Vest Program in the amount of \$28,386.56

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2004 budget in the amount of \$28,386.56 which item is now available as a revenue from:

Public & Private Revenues Offset with Appropriations:
U.S. Department of Justice
Office of Justice Programs
Bulletproof Vest Program \$28,386.56

SECTION 2:

BE IT FURTHER RESOLVED, that the amount of \$28,386.56 is hereby appropriated as:

Operations Excluded from "CAPS":
U.S. Department of Justice
Office of Justice Programs
Bullet proof Vest Program \$28,386.56

And,

BE IT FURTHER RESOLVED, that two certified copies be filed in the Office of the Director of the Division of Local Government Services.

The following Resolution # 2004-288 (Confirmation of Director of Public Works) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-288

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT OF
ROBERT DE MARCO AS THE DIRECTOR OF THE
THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, pursuant to Ordinance #2004-11, the Code of the Township of Marlboro was amended to remove the Division of Public Works from the Department of Community Development and create a Department of Public Works; and

WHEREAS, a vacancy exists in the position of Director of the Township of Marlboro Department of Public Works; and

WHEREAS, Mayor ROBERT KLEINBERG recommends that Robert De Marco be appointed Director of the Township of Marlboro Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of ROBERT DE MARCO as Director of the Township of Marlboro Department of Public Works.

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

- a. Robert De Marco
- b. Township Administrator
- c. Gluck Walrath, LLP

The following Resolution # 2004-289 (Reject & Rebid - In Car Cameras) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-289

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Police In-car Cameras

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Acting Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Police In-car Cameras

as required by law.

The following Resolution # 2004-290 (Resolution Authorizing Inspecting Engineers & Rates) was introduced as amended by reference, offered by Councilwoman Morelli and seconded by Council Vice President Denkensohn. After discussion, Vollmer Associates, LLP was removed from the resolution until an interview can be conducted. The resolution as amended was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-290

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO
TO ENTER INTO PROFESSIONAL ENGINEERING SERVICE
CONTRACTS FOR INSPECTIONS EFFECTIVE AS OF SEPTEMBER 1, 2004

WHEREAS, there may exist a need for professional engineering services to be rendered to the Township of Marlboro for inspections as directed by the Township Engineer as of September 1, 2004; and

WHEREAS, the Township wishes to execute contracts with certain engineering firms which authorize the Township to utilize the services of such firms for inspections as needed (on a per project basis) as of September 1, 2004 as directed by the Township Engineer; and

WHEREAS, the "Local Public Contracts Law", N.J.S.A. 40A:11-1, et seq., 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, a copy of each proposed Agreement for inspection services is on file in the Office of the Township Clerk and incorporated herein by reference as if attached hereto at length.

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 Township Clerk to attest to the above-referenced Agreements with the following engineering firms for inspection services effective as of September 1, 2004:

- a. Birdsall Engineering, Inc.
- b. CME Associates, Inc.
- c. Maser Consulting, P.A.
- d. Schoor DePalma, Inc.
- e. Gravatt Geller & Associates, Inc.

2. That these contracts are 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 these contracts 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. Chief Financial Officer
- b. Business Administrator
- c. Township Engineer
- d. Gluck Walrath, LLP
- e. Birdsall Engineering
- f. CME Associates
- g. Maser Consulting, P.A.
- h. Schoor DePalma, Inc.
- i. Gravatt Geller & Associates, Inc.

The following Resolution # 2004-291 (Green Acres Grant - Additional \$600,000.00) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-291

RESOLUTION AUTHORIZING AN AMENDMENT TO PROJECT AGREEMENT
WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION, GREEN ACRES PROGRAM

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Marlboro has previously obtained a grant of \$1,150,000.00 from the State and has entered into a Project Agreement ("Agreement") dated August 12, 2004 to fund the following project(s): Marlboro Open Space Acquisition (1330-01-087); and

WHEREAS, the State and Township of Marlboro intend to increase Green Acres funding; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above named project;

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

1. That Robert Kleinberg or the successor to the office of the Mayor is hereby authorized to execute an Amendment to the Agreement increasing funding to \$1,750,000 and any further amendment thereto for the project; and,
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,750,000; and,
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance on the project; and,
5. That this resolution shall take effect immediately.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Township Business Administrator
 - b. Township Chief Financial Officer
 - c. Gluck & Walrath, L.L.P.

The following Resolution # 2004-293 (Raffle License - Mustang Parents Football Club Corp.) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-293

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL:10-04 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 8 S. Main Street, Marlboro, New Jersey 07746.

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

| | | |
|--------------------|--------|----|
| September 23, 2004 | 4 - 6 | PM |
| October 2, 2004 | 12 - 2 | PM |
| October 23, 2004 | 1 - 3 | PM |
| November 25, 2004 | 9 - 11 | AM |

at Marlboro High School, 95 Main Street, Marlboro, N.J. 07746.

At 9:50PM, Council Vice President Denkensohn moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot. Recess was held, and the executive session commenced at 10:00 PM.

RESOLUTION # 2004-294

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 9th day of September, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing

said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:18 pm, Councilman Pernice moved that the meeting be opened. This was seconded by Council President Mione, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2004-295 (Resolution authorizing agreement - Exclusive Plaza) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-295

RESOLUTION AUTHORIZING THE ENTRY OF A COMMUTER
PARKING LICENSE AGREEMENT WITH EXCLUSIVE PLAZA
AT MARLBORO, L.L.C.

WHEREAS, the Township of Marlboro had previously entered into a Lease Agreement with UHM Associates dated April 9, 1996 whereby the Township leased 100 parking spaces at the Exclusive Plaza Shopping Center for a period of four years, with a 3 year extension thereby resulting in the Lease expiring on December 31, 2003, pursuant to which, the Township was obligated to provide snow removal and grass cutting services up to \$10,000 per year; and

WHEREAS, Exclusive Plaza, L.L.C. ("Exclusive Plaza") applied to the Marlboro Township Planning Board in 2004 for an Amended Preliminary and Final Site Plan Approval to construct a 5,760 square foot two-story addition to an existing commercial building on a 7.4 acre tract with associated parking, landscaping and drainage; and

WHEREAS, on August 18, 2004, the Marlboro Township Planning Board granted Exclusive Plaza's application, but the Planning Board conditioned its approval on the Township reaching an agreement with Exclusive Plaza concerning the continuation of the commuter parking lot; and

