

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

October 4, 2007

The Marlboro Township Council held its regularly scheduled meeting on October 4, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

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

Council President Cantor opened the Public Hearing on Ordinance # 2007-21 (Amending Chapter 84 - Front Yard Setbacks). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2007-326/ Ord. # 2007-21 (Amending Chapter 84 - Front Yard Setbacks) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-326

BE IT RESOLVED by the Township Council of the Township

of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-21

AN ORDINANCE AMENDING CHAPTER § 84-97  
"ACCESSORY BUILDINGS AND STRUCTURES" OF  
THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on September 20, public hearing held October 4, 2007, be adopted on second and final reading this 4th day of October, 2007.

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

The following Res. # 2007-314 (Award of Contract Lightning Warning System - WX Line, LLC) was introduced by reference, offered by Councilman Pernice and seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-314

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF LIGHTNING, WARNING, AND WIRELESS SIREN SYSTEM FOR THE TOWNSHIP OF MARLBORO

WHEREAS, there exists a need for a lightning, warning and wireless siren system in the Township of Marlboro; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii) requires that a resolution authorizing the award of contract for "extraordinary unspecified services" without competitive bids and the resulting contract be available for public inspection; and

WHEREAS, the Local Public Contracts law further requires that a notice of the award of the contract be printed as a legal advertisement;

WHEREAS, the Chief Financial Officer has certified in writing that the fee for this contract will exceed \$17,500 and that funds are available for this contract; and

WHEREAS, Wxline, LLC has completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to

N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro; and

WHEREAS, Wxline, LLC has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Council of the Township of Marlboro that Wxline, LLC is hereby awarded a contract for the provision of a lightning, warning and wireless siren system in the Township of Marlboro in an amount not to exceed \$19,995.00 and in accordance with the proposal submitted by Commercial Recreation Specialists; and

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as an "extraordinary unspecified service" in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement between Wxline, LLC and the Township of Marlboro; and

BE IT FURTHER RESOLVED, that Wxline, LLC shall supply the Township with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein; and

BE IT FURTHER RESOLVED, that Wxline, LLC shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once as a legal advertisement in the official newspaper of the Township of Marlboro within ten days of its adoption; and

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

- a. Wxline, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP.

The following Res. # 2007-327 (Encouraging Mon. County to Conduct Comprehensive Needs Assessment for Records Management) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-327

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation and storage needs of county and municipal governments; and

WHEREAS, the State Records Committee (SRC), New Jersey Division of Archives and Records Management (DARM) and the Corzine administration have all declared shared services of utmost priority and importance with the goal of saving taxpayer dollars; and

WHEREAS, the SRC has declared that projects that call for the county government to provide for a records needs assessment, inventory and strategic plan for all constituent municipalities within their government to be of high priority for the PARIS program; and

Whereas, the Township of Marlboro is interested in pursuing records management shared services with the Count of Monmouth and acknowledges that a comprehensive records management needs assessment is an essential building block of our own records management program; and

Whereas, doing so will allow the county to pursue an efficient and centralized records management program; and

WHEREAS, applying for such will give the county a higher competitive edge during the application and grant review process;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Governing Body encourages the Board of Chosen Freeholders of the County of Monmouth to agree to conduct a comprehensive needs assessment for the Township of Marlboro

BE IT FURTHER RESOLVED, that the Clerk forward a true copy of this resolution to Mark E. Acker, Director of Finance, County of Monmouth.

The following Res. # 2007-328 (Route 18 Noise Issues) was introduced by reference, offered by Councilman Pernice and seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-328

A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWNSHIP OF MARLBORO TO MAKE A FORMAL REQUEST OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO REQUEST THAT THE DEPARTMENT CONSIDER TAKING CERTAIN ACTIONS WITH REGARD TO THE ELIMINATION OF NOISE POLLUTION RESULTING FROM TRAFFIC ON ROUTE 18 IN AND ALONG THE TOWNSHIP OF MARLBORO

WHEREAS, many of the residents of the Township of Marlboro are affected by the noise pollution that results from motor vehicles traveling on Route 18 in and along the Township of Marlboro; and

WHEREAS, representatives from the Township of Marlboro have contacted the New Jersey Department of Transportation (the "Department") on several occasions to request assistance with the noise pollution problem; and

WHEREAS, a special meeting was held wherein concerned citizens of the Township discussed potential resolutions to the noise pollution problem and determined that it would be in the best interests of the Township to request that the Department consider certain resolutions to eliminate noise pollution in the Township; and

WHEREAS, the petition that the citizens provided to the Township to present to the Department to consider include requesting that the Department consider (1)reducing the speed limit to 55 MPH on Route 18; (2) increasing police presence and enforcement on Route 18; (3) permitting commercial traffic on the Garden State Parkway north of Exit 105 and eliminate commercial traffic on Route 18; (4)

involving the New Jersey Department of Environmental Protection in the noise pollution and air quality issue resulting from the noise pollution coming from Route 18; (5) approving the Township's request to install noise barriers along Route 18; and (6) approving the Township's request for authorization to place signs along Route 18 in order to prevent engine braking ordinance in the Township; and

WHEREAS, the Township Council desires to authorize the Mayor or his authorized designee to prepare a formal request to the Department for assistance in reducing or eliminating the noise pollution that results from vehicle travel on Route 18 in and along the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor or his authorized designee be and hereby is authorized to make a formal request of the Department requesting that the Department consider the resolutions proposed above in order to reduce or eliminate the noise pollution resulting from travel on Route 18 in and along the Township of Marlboro in order to protect the health, safety and welfare of the residents of the Township; and

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

- a. New Jersey Department of Transportation
- b. Congressman Rush Holt
- c. Congressman Frank Palone
- d. State Senator Ellen Karcher
- e. Assemblywoman Jennifer Beck
- f. Assemblyman Michael Panter
- g. Director of Public Works
- h. Business Administrator
- i. Township Chief Financial Officer
- j. Gluck Walrath, LLP

The following Res. # 2007-329 (Authorizing Professional Services Contract - Birdsall) was introduced by reference, offered by Councilman Pernice and seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-329

A RESOLUTION AUTHORIZING THE EXECUTION OF  
PROFESSIONAL SERVICES CONTRACTS BETWEEN

BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP  
OF MARLBORO FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") to the Township of Marlboro to provide the aforementioned professional engineering services:

- 1) Preliminary Assessment and Remedial Investigation for the Former Marlboro Psychiatric Hospital property (Block 159, Lot 11 and Block 157, Lot 34) for an amount not to exceed \$115,372.00;
- 2) Remedial Investigation for the Former Dimeo Property (Block 160, Lot 8) for an amount not to exceed \$110,680.00;
- 3) Professional Planning Services to update the Marlboro Township Comprehensive Farmland Preservation Plan for an amount not to exceed \$10,850.00;
- 4) Additional Arsenic and Pesticide Delineation Sampling for the Former Dimeo Property - Southern Portion (Block 159, Lot 1.01) for an amount not to exceed \$28,900.00;

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall

Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposals; 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 contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contracts from the following account numbers:

- 1) Remedial Investigation - MSH - G-07-41-207-302
- 2) Remedial Investigation - Dimeo - G-07-41-207-301
- 3) Farmland Preservation Plan - T-15-56-859-815
- 4) Arsenic & Pesticide Delineation - X-04-55-946-901

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

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

The following Res. # 2007-330 (Change Order #1 - Gordons Corner/Robertsville Improvements) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-330

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1  
FOR THE GORDONS CORNER ROAD/ROBERTSVILLE ROAD  
INTERSECTION IMPROVEMENTS IN THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution No. 2007-156, the Township of Marlboro authorized an Agreement between the Township of Marlboro and A. Montone Construction Co. for the provision of roadway improvements for Gordon's Corner Road and Robertsville Road for an amount not to exceed \$423,163.60 (the "Agreement"); and

WHEREAS, A. Montone Construction Co. provided a proposal for enhancement of the project to allow for the extension of approximately 550 feet of curb along the southeast side of Gordons Corner Road to Bennett Court, extension of the pavement limits south along Gordons Corner Road to Vista Drive and Bennett Court, and to provide additional funding to cover the necessary traffic control and safety costs; and

WHEREAS, the Director of Public Works recommends the authorization of Change Order No. 1 to the Agreement in the amount of \$37,668.75 for a total contract sum of \$460,832.35 to allow for the enhancements set forth above; and

WHEREAS, the Township Engineer found the enhancements set forth above to be justified in his Memorandum dated September 27, 2007, and requested that a Change Order be approved.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Resolution #2007-156 is amended to include Change Order No. 1 which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the contract awarded to A. Montone Construction Co. by Resolution #2007-156 should be amended to include Change Order No. 1, for a total contract

amount of \$460,832.35, in accordance with the proposal submitted by A. Montone Construction Co., which is on file with the Township, and Change Order No. 1 which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that said Certification of Funds are sufficient to complete the original contract and Change Order No. 1. Said Certification of Funds set forth that sufficient funds were, and continue to be, available for said contract from Account Number G-07-41-205-399; and

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

- A. A. Montone Construction Co.
- B. Township Engineer
- C. Director of Public Works
- D. Chief Financial Officer
- E. Gluck Walrath LLP

The following Res. # 2007-331 (Change Order #1 - Asphalt Contract) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-331

A RESOLUTION AMENDING RESOLUTION #2007-217 AND APPROVING  
A CHANGE ORDER FOR THE PROVISION OF VARIOUS ROAD  
MATERIALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF  
PUBLIC WORKS ANNUAL PAVEMENT MANAGEMENT PLAN

WHEREAS, Township of Marlboro Resolution #2007-217 authorized the award of a contract to Trap Rock Industries, Inc. for the provision of various road materials for the Township of Marlboro Department of Public Works Annual Pavement Management Plan; and

WHEREAS, while performing the contract awarded to them, Trap Rock Industries, Inc. discovered that additional materials were needed for base repairs and top course on many of the roads in the Township to ensure that the

roadway maintains its integrity for the next fifteen to twenty years; and

WHEREAS, Trap Rock Industries, Inc. notified the Township Engineer of the need for these additional materials and provided a description and price for the supplemental materials in the total amount of \$60,000.00 which was accepted by the Township Engineer; and

WHEREAS, in his Memorandum dated September 27, 2007 the Township Engineer found the additional materials to be necessary and requested that a Change Order be approved.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Resolution #2007-217 is amended to include Change Order No. 1 in the amount of \$60,000.00 which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the contract awarded to Trap Rock Industries, Inc. by Resolution #2007-217 should be amended to include Change Order No. 1 in the amount of \$60,000.00, for a total contract amount of \$362,425.00, in accordance with the bid proposal submitted by Trap Rock Industries, Inc., which is on file with the Township, and Change Order No. 1 which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that said Certification of Funds is sufficient to complete the original contract and Change Order No. 1. Said Certification of Funds set forth that sufficient funds were, and continue to be, available for said contract from Account Number X-04-55-962-933; and

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

- a. Trap Rock Industries, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-332 (Amendment to Contract - Added Assessment Appraiser) was introduced by reference, offered by Councilman Pernice and seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-332

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN REALTY APPRAISAL COMPANY AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF APPRAISALS OF NEW CONSTRUCTION, ADDITIONS AND ALTERATIONS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, at all times, the Township of Marlboro is in need of professional services for the provision of appraisals of new construction, additions and alterations; and

WHEREAS, the Township previously requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4 and Realty Appraisal Company submitted a proposal dated May 30, 2007 to the Township of Marlboro to provide the aforementioned services for an amount not to exceed \$15,000.00, to be amended after the adoption of the 2007 budget; and

WHEREAS, the Township Council adopted Resolution #2007-199, authorizing the Township of Marlboro to enter into a contract with Realty Appraisal Company in an amount not to exceed \$15,000.00, and resolved that sufficient funds for the total project would be available upon the adoption of the 2007 budget; and

WHEREAS, Realty Appraisal Company has performed and will continue to perform professional services for the Township of Marlboro including appraisals of new construction, additions and alterations and it is necessary to amend the original contract between Realty Appraisal Company and the Township of Marlboro in order to compensate Realty Appraisal Company for its past and future services; and

WHEREAS, the Chief Financial Officer previously certified in writing that the contract between Realty Appraisal Company and the Township of Marlboro will exceed \$17,500; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to amend the contract between Realty Appraisal Company and the Township of Marlboro to provide compensation for the provision of appraisals of new construction, additions and alterations; and

WHEREAS, the 2007 budget has been adopted by the Township and the Chief Financial Officer has certified that sufficient funds for the total project are available; and

WHEREAS, Realty Appraisal Company previously completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro and previously completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; 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 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 amend the original contract between Realty Appraisal Company and the Township of Marlboro for the provision of appraisals of new construction, additions and alterations to provide compensation in an amount not to exceed \$32,000.00, and that such amendment shall be in a form legally acceptable to the Township Attorney; and

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

- a. Realty Appraisal Company
- b. Township Engineer
- c. Business Administrator

- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-333 (Bond Reduction Bluh and Batelli Property) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-333

A RESOLUTION AUTHORIZING THE REDUCTION OF THE  
PERFORMANCE BOND AND CASH BOND FOR GRADING  
AND CLEARING OF THE BLUH AND BATELLI PROPERTY,  
BLOCK 148, LOT 31; BLOCK 149, LOT 16;  
BLOCK 150, LOTS 2, 4, and 9; AND BLOCK 151, LOT 4  
IN THE TOWNSHIP OF MARLBORO

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from Orleans Homebuilders, Inc. for the reduction of the Performance Bond and Cash Bond being held by the Township for the Grading and Clearing of the Bluh and Batelli Property, Block 148, Lot 31; Block 149, Lot 16; Block 150, Lots 2, 4, and 9; Block 151, Lot 4; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report and bond estimate from the Township Engineer dated September 14, 2007 (the "Engineer's Report"), copies of which are attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond and Cash Bond being held by the Township, subject to the payment of all fees required by the Developer's Agreements; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for the Grading and Clearing of the Bluh and Batelli Property, Block 148,

Lot 31; Block 149, Lot 16; Block 150, Lots 2, 4, and 9; Block 151, Lot 4 shall be reduced as follows:

The Performance Bond in the original amount of \$259,302.60 shall be reduced by \$103,429.44, so that the amount to remain shall be \$155,873.16; and

The Cash Bond in the original amount of \$28,811.40 shall be reduced by \$11,492.16, so that the amount to remain shall be \$17,319.24; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Developer's Agreements; and

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

- a. Orleans Homebuilders, Inc.
- b. Fidelity and Deposit Company of Maryland
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli): Res. #2007-334 (Authorizing Contract - Storage Racks - Pole Barn), Res. #2007-335 (Solomon Schechter Day School - Casino Night), Res. #2007-336 (Raffle License Knights of Columbus (50/50)).

RESOLUTION # 2007-334

RESOLUTION AUTHORIZING THE PURCHASE OF  
SHELVING AND STORAGE FOR THE POLE BARN  
FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for the purchase of shelving and storage; and

WHEREAS, the Police Department received the following estimates:

1. Diversified Rack & Shelving, Inc., East Windsor, New Jersey - \$18,630.05
2. Century Conveyor, Edison, New Jersey - \$29,650.00
3. All Brand Lift Truck Depot, Inc., Windsor, New Jersey - \$23,515.00

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

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to Diversified Rack & Shelving, Inc. for the purchase of the aforementioned items; and

WHEREAS, funds are available in Capital Account Number X-04-55-955-923, X-04-55-955-924 and 7-01- -106-209 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase of shelving and storage for the pole barn from Diversified Rack & Shelving, Inc., 603 Route 130 North, East Windsor, New Jersey 08520-2618; and

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

- a. Diversified Rack & Shelving, Inc., East Windsor, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2007-335

