

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

OCTOBER 14, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on October 14, 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., Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Council President Mione opened the Public Hearing on Ordinance # 2004-13 As Amended (Amending Chapter 84 - Public Hearing/Notice Requirements). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-315/Ord. # 2004-13 (Amending Chapter 84 - Public Hearing/Notice Requirements) 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 # 2004-315

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

which was introduced on September 9, 2004, public hearing held September 9, 2004, be adopted on second and final reading this 14th day of October, 2004.

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

The following Resolution # 2004-316/Ordinance # 2004-23 (Remediation of Sinkholes - Bolling Brook/Country Hills) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-316

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

ORDINANCE # 2004-23

AN ORDINANCE OF THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY PROVIDING FOR REMEDIATION OF
SINK HOLES IN THE BOLLING BROOK/COUNTRY
HILLS SUBDIVISION LOCATED IN THE
TOWNSHIP AND APPROPRIATING \$83,877.53
THEREFOR FROM THE PORTION OF THE
TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS
THE "GROUP CONSTRUCTION ACCOUNT(S)"

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 28, 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 # 2004-23

AN ORDINANCE OF THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY PROVIDING FOR REMEDIATION OF
SINK HOLES IN THE BOLLING BROOK/COUNTRY
HILLS SUBDIVISION LOCATED IN THE
TOWNSHIP AND APPROPRIATING \$83,877.53
THEREFOR FROM THE PORTION OF THE
TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS
THE "GROUP CONSTRUCTION ACCOUNT(S)"

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 sum of \$83,877.53 is hereby appropriated by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") from the portion of the Township's Capital Account earmarked as the "Group Construction Account(s)" (which amount was derived from certain cash bonds in respect of "Bolling Brook Section 2" and "Bolling Brook Section 3" previously held in one or more escrow accounts held by the Township), for the purpose of providing funds to be used for the investigation and remediation of sink holes on their respective properties, to the extent and in the manner described in Section 2 hereof.

Section 2. The amount appropriated in Section 1 hereof shall be disbursed by the Chief Financial Officer of the Township to the extent and in the manner provided in this Section 2. As to any residential property located within the Bolling Brook/Country Hills subdivision (each, a "Subdivision Lot"), the owner thereof may submit to the Chief Financial Officer an application (in a form acceptable to the Chief Financial Officer) reciting the identity of the owner, a description of the applicable Subdivision Lot, and evidence satisfactory to the Chief Financial Officer that (i) one or more sink holes has been discovered on such Subdivision Lot and (ii) such owner has expended moneys to investigate and remediate one or more of such sink holes (the "Remediation Cost"), together with evidence satisfactory to the Chief Financial Officer of such expenditure. Up to the limits of the appropriation

provided in Section 1 hereof, the Chief Financial Officer shall pay over to each such applicant, on a "first come, first served" basis (as determined by the Chief Financial Officer), an amount equal to the lesser of (x) all Remediation Costs attributable to such Subdivision Lot and (y) \$7,500. No more than one application may be filed as to any Subdivision Lot, and no application may be filed by any person other than an owner thereof. Under no circumstances shall more than \$7,500 shall be paid out in respect of any Subdivision Lot.

Section 3. 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 4. After passage upon first reading of this Ordinance, the Clerk of the Township is hereby directed to publish the full text of the Ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING 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 Clerk is further directed to comply with the all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this Ordinance.

Section 5. After final adoption of this Ordinance, the Clerk is hereby directed to publish the full text of this Ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 6. This Ordinance shall take effect as provided by law.

The following Resolution # 2004-317/Ordinance # 2004-24 (Fees for Copies - Police/Court/Discovery) 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 # 2004-317

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

ORDINANCE # 2004-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES," ARTICLE III "MUNICIPAL SERVICES," SECTION 62-4 "FEES"

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 28, 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 # 2004-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES," ARTICLE III "MUNICIPAL SERVICES," SECTION 62-4 "FEES"

WHEREAS, on November 25, 2003, a lawsuit was filed against certain New Jersey municipalities, including the Township of Marlboro, challenging the defendant municipalities' practice of charging a "flat fee" for municipal court discovery as opposed to computing those charges on a "per page" basis (the "Lawsuit"); and

WHEREAS, on September 13, 2004, the Court approved a settlement of the Lawsuit, whereby the defendant municipalities, including the Township of Marlboro, have agreed to amend their copying fees for municipal court discovery in accordance with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, et seq., and to reimburse persons who were overcharged for municipal court discovery; and

WHEREAS, pursuant to the aforementioned settlement, the Mayor and the Township Council desire to amend the

copying fees for municipal court discovery set forth in Section 62-4 of the Code of the Township of Marlboro.

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 62 "Fees," Article III "Municipal Services," Section 62-4 "Fees" of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 62-4 Fees.

Subsection A of Section 62-4 related to municipal court discovery fees is amended in its entirety to read as follows:

"Municipal Court Discovery (requests through the Municipal Prosecutor):

1. \$.75 per page for each of the first 10 pages photocopied;
2. \$.50 per page for each of the next 10 pages photocopied;
3. \$.25 per page for each of the pages photocopied thereafter;
4. Requestor must pay the actual postage for any discovery sent by mail;
5. \$.25 for the envelope for any discovery sent by mail;
6. Photographs will be photocopied at the rates set forth in subsections (1) through (3) herein;
7. Duplication of videotapes and audiotapes constitute an extraordinary duplication process and will be charged at the rate of \$5.00 per videotape or audiotape;
8. For any item that cannot be photocopied on the Township copy machine or is not otherwise provided for herein, the actual cost incurred in making the copy shall be charged; and
9. Where the discovery must be obtained from an entity other than the Township of Marlboro, the actual cost paid to the other entity shall be paid by the requestor"; and

BE IT FURTHER ORDAINED, that any person who believes he or she was overcharged under the prior fee schedule for municipal court discovery copying charges shall be entitled to seek a refund by filing the attached "Municipal Court Discovery Reimbursement Claim Form" with the Municipal Clerk before December 31, 2004; and

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 # 2004-318/Ordinance # 2004-25(As Amended)(Prohibiting Parking in Driveway Areas - Marlboro Little League Pursuant to Consent Order) was introduced as amended by reference, offered by Councilwoman Morelli, seconded by Council Vice President Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-318

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

ORDINANCE # 2004-25 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 103 "PARKING: MUNICIPAL
FACILITIES," ARTICLE V "PARKING FOR
MARLBORO TOWNSHIP LITTLE LEAGUE" OF THE
CODE OF THE TOWNSHIP OF MARLBORO TO
INCLUDE PARKING RESTRICTIONS FOR DRIVEWAY
AREAS OF THE MARLBORO TOWNSHIP
LITTLE LEAGUE

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 28, 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 # 2004-25 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 103 "PARKING: MUNICIPAL
FACILITIES," ARTICLE V "PARKING FOR
MARLBORO TOWNSHIP LITTLE LEAGUE" OF THE
CODE OF THE TOWNSHIP OF MARLBORO TO
INCLUDE PARKING RESTRICTIONS FOR
DRIVEWAY AREAS OF THE MARLBORO TOWNSHIP
LITTLE LEAGUE

WHEREAS, Chapter 103 "Parking: Municipal Facilities," Article V "Parking for Marlboro Township Little League" of the Code of the Township of Marlboro (the "Code") provides for parking restrictions for certain areas within the Marlboro Township Little League; and

WHEREAS, as part of the Consent Order filed on or about June 30, 2003 in the matter of Morganville Volunteer Fire Company No. 1. v. Marlboro Township Little League, Inc., et al., Superior Court of New Jersey, Chancery Division, Monmouth County, Docket Number MON-L-278-02, the Township of Marlboro agreed to adopt an ordinance prohibiting parking in a driveway easement area located upon the Morganville Volunteer Fire Company No. 1 property, which is dedicated to the Township of Marlboro for purposes of providing public ingress and egress to the Marlboro Township Little League fields and other recreational fields; and

WHEREAS, the Mayor and the Township believe it is in the best interest of the residents of the Township of Marlboro to amend Chapter 103 of the Code to include parking restrictions for the driveway areas of the Marlboro Township Little League.

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 103 "Parking: Municipal Facilities", Article V "Parking for Marlboro Township Little League", Section 103-23 "Parking Restrictions", Subsection A of the Code is hereby amended and supplemented to include the following language:

§ 103-23 Parking restrictions.

Subsection A of Section 103-23 shall now read in its entirety as follows:

- A. No person shall park a vehicle upon any of the areas within the Marlboro Township Little League, except in the areas prescribed for such parking. There shall be no parking in or along any driveways providing access to the Marlboro Township Little League.

BE IT FURTHER ORDAINED, that, in order to effectuate the purposes of this Ordinance, "No parking" signs shall be immediately installed by the Township along all driveways providing access to the Marlboro Township Little League; and

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 # 2004-319 (Appointing COAH Negotiating Committee) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-319

RESOLUTION DESIGNATING REPRESENTATIVES OF THE TOWNSHIP OF MARLBORO TO PARTICIPATE IN COUNCIL ON AFFORDABLE HOUSING MEDIATION PROCESS

WHEREAS, pursuant to Resolution #2004-225, the Township Council of the Township of Marlboro approved the July 2004 Housing Plan Element and Fair Share Plan (collectively referred to as the "Affordable Housing Plan") for the Township of Marlboro; and

WHEREAS, the Township of Marlboro then petitioned the Council on Affordable Housing ("COAH") for substantive certification and requested that COAH review and certify the Affordable Housing Plan; and

WHEREAS, in accordance with N.J.A.C. 5:91-4.1, certain persons have filed objections with COAH to the Affordable Housing Plan; and

WHEREAS, as a result of these objections, COAH, the Township of Marlboro and the objectors are required by N.J.A.C. 5:91-7.1, *et seq.* to engage in mediation; and

WHEREAS, prior to the start of the mediation, the Township of Marlboro must provide COAH, pursuant to N.J.A.C. 5:91-7.2(g), with an adopted resolution designating its representatives for the mediation and authorizing one or more of those representatives to execute any written agreement reached as a result of the mediation; and

WHEREAS, the Mayor and the Township Council of the Township of Marlboro now desire to designate representatives of the Township of Marlboro to participate in the COAH mediation process.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that Judith Tiernan, Acting Business Administrator of the Township of Marlboro; Andrew Bayer, Esq. of Gluck Walrath LLP; and Jennifer Beahm of LGA Engineering, Inc. are hereby appointed as the representatives of the Township of Marlboro for purposes of the COAH mediation process; and

BE IT FURTHER RESOLVED that Andrew Bayer, Esq. of Gluck Walrath LLP is hereby authorized, upon obtaining the appropriate approval from the Township Council of the Township of Marlboro, to execute any written agreements reached as a result of the mediation process.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. Jennifer Beahm, LGA Engineering, Inc.
2. Gluck, Walrath LLP

3. Township Acting Business Administrator.

The following Resolution # 2004-320 (Appointing OEM Coordinator (Robert Holmes), Deputies (Christopher Cherbini & Robert Miller) and Local Emergency Planning Committee)) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-320

RESOLUTION APPOINTING COORDINATOR AND DEPUTY COORDINATORS OF THE OFFICE OF EMERGENCY MANAGEMENT AND APPOINTING MEMBERS OF THE MARLBORO TOWNSHIP EMERGENCY MANAGEMENT COUNCIL

WHEREAS, Section 4-102 of the Code of the Township of Marlboro (the "Code") establishes a Division of Civil Defense within the Department of Public Safety and authorizes the Mayor to appoint a Coordinator and Deputy Coordinators of the Office of Emergency Management to head that division; and

WHEREAS, New Jersey Public Law, c. 152 requires the Township of Marlboro to create a local emergency management council which is authorized to assist the municipality in supervising and coordinating the emergency management activities of the municipality; and

WHEREAS, the Marlboro Township Emergency Management Council (the "Emergency Management Council") shall not consist of more than 15 members appointed by the Mayor, with the advice and consent of the Township Council of the Township of Marlboro, and shall include the Coordinator of the Office of Emergency Management who shall be the Chairman; and

WHEREAS, in accordance with Section 4-102 of the Code and New Jersey Public Law, c. 152, the Mayor desires to appoint the Coordinator and Deputy Coordinators of the Office of Emergency Management and appoint the members of the Emergency Management Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appointments of Chief Robert C. Holmes, Sr., as the Coordinator of the Office of Emergency Management, and Christopher Cherbini and Robert Miller, as the Deputy

Coordinators of the Office of Emergency Management, are hereby confirmed for the terms provided for by law; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro that the appointment of the following individuals to the Emergency Management Council are hereby confirmed for the terms provided for by law:

| | <u>Name</u> | <u>Working Title</u> |
|-----|-----------------------------|--------------------------|
| 1. | Robert C. Holmes (Chairman) | Chief of Police |
| 2. | Susan Levine | Public Inform. Officer |
| 3. | Robert DiMarco | Director of Public Works |
| 4. | Walter Holtz | Twp. Fire Prev. Bureau |
| 5. | Keith Badler | Robertsville Fire Co. |
| 6. | James Mione | Township Council |
| 7. | Christopher Mosely | Complete Security Syst. |
| 8. | Greg Perrini | MTMUA |
| 9. | John Butterweck | Morganville First Aid |
| 10. | Brad Greenberg | Marlboro First Aid |
| 11. | Dr. David Abbott | Super. Board of Ed. |
| 12. | Fred Weiner | Private Citizen |
| 13. | Judith Tiernan | Acting Bus. Adm. |
| 14. | Bart Lombardo | SWAT Team Commander |
| 15. | James Wasser | Super. Freehold Regional |

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the above-named individuals, the Emergency Management Council, the Division of Civil Defense, the Acting Business Administrator and the Township Attorney.

The following Resolutions were carried the October 28, 2004 meeting: Res. # 2004-321 (Opposing Fast Track Permitting Act) and Res. # 2004-322 (Award of Bid - HVAC).

The following Resolution # 2004-323 (Authorizing Agreement - Exclusive Plaza) 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 # 2004-323

RESOLUTION AUTHORIZING THE ENTRY OF AN AGREEMENT
WITH EXCLUSIVE PLAZA, L.L.C. CONCERNING THE
COMMUTER PARKING SPACES AT THE EXCLUSIVE PLAZA
SHOPPING CENTER

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 three 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 \$10,000.00 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 continued use of the commuter parking spaces; and

WHEREAS the Township Attorney and Acting Township Administrator conducted negotiations with Exclusive Plaza and reported the results of those negotiations to the Mayor and Township Council; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to enter into an agreement with Exclusive Plaza concerning the continued use of the commuter parking spaces at the Exclusive Plaza Shopping Center and other related issues.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to enter into an agreement between the Township of Marlboro and Exclusive Plaza which substantially incorporates the terms and conditions set forth in the attached October 14, 2004 letter from Andrew Bayer of Gluck Walrath LLP to Thomas E. Primavera, Esq. of Renaissance Properties Building; and

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

- a. Exclusive Plaza, L.L.C.
- b. Director, Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolutions were 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: Res. # 2004-324 (Raffle License Frank Dugan School PTA) and Res. # 2004-325 (Raffle License Knights of Columbus #6392).

RESOLUTION # 2004-324

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-04 (On Premise 50/50 Cash) be and it is hereby granted to Frank J. Dugan School PTA, 48 Topanemus Road, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 26, 2004 from 7 - 10 PM at Frank J. Dugan School PTA, 48 Topanemus Road, Marlboro, N. J. 07746.

RESOLUTION # 2004-325

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 12-04 (Off Premise 50/50) be and it is hereby granted to Knights of Columbus #6392, PO Box 322, Lincroft, New Jersey 07738.

BE IT FURTHER RESOLVED that said Raffle will be held on December 11th, 2004 at 7 PM at St. Gabriel's Church, 100 North Main Street, Marlboro, New Jersey 07746.

At 10:40PM, Councilman Burrows moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiations, litigation and personnel. 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 10:50PM.

RESOLUTION # 2004-326

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 14th day of

October, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely acquisition of property, contract negotiations and 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 90 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 12:10PM, Councilman Pernice moved that the meeting be opened. This was seconded by Council Vice President Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

At 12:15PM, Council Vice President Denkensohn moved that the meeting be adjourned. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT

