

LEGISLATIVE MINUTES

TOWNSHIP COUNCIL MEETING

NOVEMBER 13, 2006

The Marlboro Township Council held its re-scheduled meeting on November 13, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the re-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 October 25, 2006; 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: Councilman Pernice, Councilman Rosenthal (8:43pm), Councilwoman Tragni and Council President Morelli. (Absent: Cantor.)

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

Council President Morelli moved that the meeting of November 13th be chaired by Councilman Pernice. This motion was seconded by Councilwoman Tragni and was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Rosenthal).

Councilman Pernice moved that the minutes of October 5 and October 19, 2006 be approved. This motion was seconded by Council President Morelli and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

The following Res. # 2006-401/Ord. # 2006-37 (Granting Easement - Triangle Hills Development Sign) was introduced by reference, offered by Councilman Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-401

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

ORDINANCE # 2006-37

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT FROM THE TOWNSHIP OF MARLBORO TO THE TRIANGLE HILLS HOMEOWNERS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF A TRIANGLE HILLS DEVELOPMENT SIGN

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 December 7, 2006 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 # 2006-37

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT FROM THE TOWNSHIP OF MARLBORO TO THE TRIANGLE HILLS HOMEOWNERS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF A TRIANGLE HILLS DEVELOPMENT SIGN

WHEREAS, the Township of Marlboro owns a certain parcel of property known as Block 184, Lot 129 (the "Property") on the Tax Map of the Township of Marlboro; and

WHEREAS, the Triangle Hills Homeowners (the "Homeowners") are in need of an easement on the Property for the purpose of constructing and maintaining a development sign at the entry to Triangle Hills; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, allows for the conveyance of an interest in real property by the Township to a private party; and

WHEREAS, the proposed placement of the sign is along Route 520 which falls under the jurisdiction of the County of Monmouth, thereby requiring approval for construction of the sign from the County; and

WHEREAS, approval for the sign was issued on October 11, 2006 by the County Engineer based upon reviews by the Monmouth County Traffic Safety Unit and Planning Board Department.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute a Deed of Easement, in a form substantially identical to that attached hereto, conveying an easement (specifically described on Schedule "A" of the Deed of Easement*) on the Property known as Block 184, Lot 129 for \$1.00 for the purpose of constructing and maintaining a sign at the entry to Triangle Hills; and (* on file in Clerk's office).

BE IT FURTHER ORDAINED, that the Triangle Hills Homeowners shall be solely responsible for the construction, installation and maintenance of the sign and any and all costs related thereto; and

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Resolution # 2006-402 (Transfers) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-402

RESOLUTION AUTHORIZING BUDGET TRANSFERS
DURING LAST TWO MONTHS
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has

been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2006 Municipal Budget as follow:

From:

Mayor S&W	5,000.00
Administration S&W	15,000.00
Finance S&W	2,500.00
Engineering S&W	45,000.00
Computer S&W	10,000.00
Vehicle Maint S&W	65,000.00
Gasoline	50,000.00
Snow Removal S&W	15,000.00
Ethics Comm OE	7,500.00
Landfill disposal Costs OE	25,000.00
Police OE	25,000.00
Public Information OE	5,000.00
Intergovernmental Relations	800.00

To:

Municipal Clerk S&W	2,000.00
Streets & Roads S&W	43,000.00
Grounds Maintenance S&W	30,000.00
Parks & Recreation Functions S&W	47,000.00
Public Works S&W	23,000.00
Recreation S&W	25,000.00
Municipal Court S&W	14,500.00
Legal OE	25,000.00
Sewer OE	800.00
Natural Gas OE	14,500.00
Solid Waste Collection OE	25,000.00
Tax Collection OE	6,000.00
Zoning OE	15,000.00

Totals	270,800.00	270,800.00
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The following Resolution # 2006-403 (Denial Bond Reduction Castlepointe Sections 1,2 & 3) was introduced by reference, offered by Council President Morelli, seconded by Councilman

Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-403

A RESOLUTION DENYING THE REDUCTION OF THE PERFORMANCE BONDS AND CASH GUARANTEES FOR THE CASTLE POINTE AT MARLBORO, SECTION 1, 2 AND 3 PROJECTS

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received requests from Toll Brothers, Inc. for a second reduction of each of the performance bonds and cash guarantees held by the Township for the Castle Pointe at Marlboro, Section 1, 2 and 3 projects (collectively, the "Projects"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Township Engineer dated October 18, 2006, for each of the Projects, including all attachments hereto (collectively, the "Engineer's Reports"), copies of which are attached hereto and made a part hereof; and

WHEREAS, the Engineer's Reports recommend denial of the requests for reduction of the current performance bonds and cash guarantees being held by the Township; and

WHEREAS, the Township Council has reviewed the Engineer's Reports and desires to accept his recommendation to deny the reduction of the performance bonds and all cash bonds for the Projects.

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 request for reduction of performance bonds and cash guarantees for the Projects be denied for the reasons set forth in the Engineer's Reports, including, without limitation, the following:

Toll Brothers, Inc. has failed to substantially complete portions of the improvements for the Projects as set forth in the Engineer's Reports; and

Complaints were received from residents regarding problems with stagnant or standing water and runoff and such complaints have not been adequately addressed; and

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

- a. Toll Brothers, Inc.
- b. Continental Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

Councilman Rosenthal recused himself and left the room. The following Resolution # 2006-404 (Authorizing Demand for Payment under Kara Homes' Performance Bond for Crine West, Buckley Estates and Emerald Hills Developments) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Rosenthal).

RESOLUTION # 2006-404

A RESOLUTION AUTHORIZING THE DEMAND FOR PAYMENT UNDER THE PERFORMANCE BONDS AND CASH BONDS POSTED WITH THE TOWNSHIP FOR KARA AT CRINE WEST, LLC; KARA AT BUCKLEY ESTATES, LLC; AND KARA AT EMERALD HILLS, LLC PROJECTS

WHEREAS, Kara at Crine West, LLC; Kara at Buckley Estates, LLC; and Kara at Emerald Hills, LLC (as the successor to Heartstone Properties, Inc.), (collectively, "Kara") entered into separate Developer Agreements with the Township of Marlboro to complete site improvements required by Marlboro Township Planning Board approvals #731-98, 786-00, and 751-99 (collectively, the "Projects"); and

WHEREAS, in accordance with N.J.S.A. 40:55D-53, performance bonds and cash bonds for the Projects were posted with the Township as follows:

- 1) Crine West
Kara at Crine West, LLC, Principal
Township of Marlboro, Obligee
Bond Safeguard Insurance Company, Surety
Performance Bond #5006836: \$986,740.00
Performance Bond #5006837: \$2,364,108.55
Cash Bond: \$372,316.51

- 2) Buckley Estates
Kara at Buckley Estates, LLC, Principal

Township of Marlboro, Obligee
Lexon Insurance Company, Surety
Performance Bond #1009454: \$1,628,594.80
Cash Bond: \$180,954.98

- 3) Emerald Hills
Heartstone Properties, Inc., Principal
Township of Marlboro, Obligee
The Service Insurance Company, Inc, Surety
Performance Bond #12120: \$219,418.74
Cash Bond: \$24,379.86

Kara at Emerald Hills, LLC, Principal
Township of Marlboro, Obligee
Bond Safeguard Insurance Company, Surety
Performance Bond #5020191: \$65,825.62; and

WHEREAS, a reduction of the original performance bonds for Kara at Crine West, LLC was authorized by Resolution #2005-449 of the Township Council; however, a new bond or a rider to the original performance bonds was never provided to the Township and therefore the original performance bonds in their original amounts remain posted with the Township for Kara at Crine West, LLC; and

WHEREAS, the amount of the original performance bond for Kara at Buckley Estates, LLC was decreased by forty eight percent (48%) by Resolution #2006-125 of the Township Council and a rider to the original performance bond was provided to the Township indicating that the reduced performance bond amount is \$847,516.66; and

WHEREAS, pursuant to agreement of the Township and Kara a second performance bond was posted by Kara for Kara at Emerald Hills, LLC in the amount of \$65,825.62, which bond was in addition to the performance bond posted by Heartstone Properties, Inc. for Kara at Emerald Hills, LLC in the amount of \$219,418.74; and

WHEREAS, a reduction in the original cash bond for Kara at Crine West, LLC was authorized by Resolution #2005-449 of the Township Council and the new cash bond amount is \$163,819.27; and

WHEREAS, the amount of the original cash bond for Kara at Buckley Estates, LLC was decreased by forty eight (48%)

percent by Resolution #2006-125 of the Township Council and the new cash bond amount is \$94,168.52; and

WHEREAS, Kara is required to maintain escrow accounts for the reasonable inspection fees associated with the Projects under N.J.S.A. 40:55D-53(h); and

WHEREAS, Kara failed to maintain the escrow monies in the accounts and failed to replenish the accounts despite several requests by the Township to do so, resulting in the accounts for the inspection fees being deficient in the following amounts:

- 1) Kara at Crine West, LLC
-\$9,618.00
- 2) Kara at Buckley Estates, LLC
-\$13,962.00
- 3) Kara at Emerald Hills, LLC
-\$7,578.00; and

WHEREAS, Kara filed for Chapter 11 bankruptcy on October 5, 2006, and all work on the Projects has stopped; and

WHEREAS, Kara has not completed the site improvements for the Projects as required by the Marlboro Township Planning Board approvals #731-98, 786-00, and 751-99 and the Developer Agreements entered into by the Township and Kara for each of the Projects; and

WHEREAS, the Township Council of the Township of Marlboro finds that it would be in the best interest of the Township of Marlboro to demand full payment under the performance bonds for the Projects and to take the cash bonds for the Projects, if authorized to do so by applicable law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth that Kara failed to complete the site improvements for the Projects as required by applicable law, the Marlboro Planning Board approvals and the Developer Agreements between the Township and Kara; and

BE IT FURTHER RESOLVED, that the Township Attorney is hereby authorized to execute demands by the Township against Bond Safeguard Insurance Company, Lexon Insurance Company and

The Service Insurance Company, Inc. for the full amounts of the remaining performance bonds for the Projects and to take such other steps as necessary to effectuate the recovery of the monies owed to the Township as a result of Kara's failure to complete the site improvements for the Projects; and

BE IT FURTHER RESOLVED, that, if authorized pursuant to applicable law, the Mayor shall take the full amounts of the remaining cash bonds for the Projects; and

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

- a. Bond Safeguard Insurance Company
- b. Lexon Insurance Company
- c. The Service Insurance Company, Inc.
- d. Kara Homes, Inc.
- e. Township Administrator
- f. Township Chief Financial Officer
- g. Gluck Walrath, LLP.

The following Resolution # 2006-405 (Award of Contract - Barrier-Free Ramp & Stair Replacement Annex Building - Gavin General Contracting) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-405

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GAVIN GENERAL CONTRACTING TO CONSTRUCT A BARRIER-FREE RAMP AND STAIR REPLACEMENT TO BE LOCATED AT THE MUNICIPAL ANNEX BUILDING FOR THE MARLBORO TOWNSHIP PUBLIC WORKS DEPARTMENT

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the construction of a barrier-free ramp and the replacement of stairs at the Municipal Annex Building for the Public Works Department (the "Project"); and

WHEREAS, said bid included an alternate bid to utilize powder coated steel for the Project; and

WHEREAS, four (4) bids were received as follows:

Gavin General Contracting, Inc. Lakewood, New Jersey	\$57,767
Diamond Construction Dunellen, New Jersey	\$84,000
Kalogridis Construction North Brunswick, New Jersey	\$98,500
3R Painting & Contracting Neptune City, New Jersey; and	\$112,500

WHEREAS, the Administration, Director of Public Works and the Township Attorney have reviewed the bids received and recommend that a contract for the construction of a barrier-free ramp and the replacement of stairs at the Municipal Annex Building for the Public Works Department be awarded to Gavin General Contracting, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Gavin General Contracting, Inc., for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the construction of a barrier-free ramp and the replacement of stairs at the Municipal Annex Building for the Public Works Department be awarded to Gavin General Contracting, Inc. in the total amount of \$57,767 and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Gavin General Contracting, Inc. in accordance with the bid proposal submitted by Gavin General Contracting, Inc. which is on file with the Township; 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 sufficient funds are available for said contract from Account Number 57,767; and

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

- a. Gavin General Contracting, Inc.

- b. Township Administrator
- c. Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Resolution # 2006-406 (Change Order #2 - Arcari & Iovino - Police) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-406

A RESOLUTION AUTHORIZING AND APPROVING CHANGE ORDER #2
TO THE CONTRACT AWARDED TO ARCARI & IOVINO ARCHITECTS
P.C. FOR THE PROVISION OF ARCHITECTURAL SERVICES IN
CONNECTION WITH THE BUILDING EXPANSION FOR THE TOWNSHIP
OF MARLBORO POLICE AND BUILDING DEPARTMENTS

WHEREAS, by Resolution #2006-154, the Township of Marlboro awarded a professional services contract to Arcari & Iovino Architects P.C. for the provision of architectural services in connection with the building expansion for the Township of Marlboro Police and Building Departments for a total contract amount of \$65,000.00 (the "Contract"); and

WHEREAS, by Resolution #2006-313, dated August 10, 2006 the Township of Marlboro authorized Change Order #1 in the amount of \$3,500.00, thereby increasing the total contract amount to \$68,500.00; and

WHEREAS, Arcari & Iovino Architects P.C. was required to perform additional work outside of the Contract including design changes to allow for the installation of additional cooling and electrical requirements for a total cost of \$8,250.00; and

WHEREAS, the Director of Public Works has recommended that the Township Council authorize Change Order #2 to the Contract for \$8,250.00, thereby increasing the total contract amount to \$76,750.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.1, *et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount, can be authorized by the governing body without additional public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute Change Order #2 to the Contract between the Township of Marlboro and Arcari & Iovino Architects P.C. increasing the total contract amount to \$76,750.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for Change Order #2, which is attached hereto, and that sufficient funds are available for said change order from Account Number X-04-55-943-911; and

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

- a. Arcari & Iovino Architects P.C.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

The following Resolution # 2006-407 (Award of Bid - Snow Removal - Lucas Constr. Co.) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor). Township Attorney Andrew Bayer and Business Administrator Judith Tiernan explained all the snow removal contracts.

RESOLUTION # 2006-407

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LUCAS CONSTRUCTION GROUP FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS AND REJECTING THE BID OF AKC, INC.

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of snow removal services for the Township of Marlboro Department of Public Works for nine (9) different section of the Township; and

WHEREAS, by Resolution #2006-352, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Triple C. Nurseries for the provision of snow removal services in Sections 4, 5, 8 and 9 of the Township; and

WHEREAS, by the same Resolution, the Township Council rejected the remaining bid submitted for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township on the basis that the bid proposal for those Sections substantially exceeded the cost estimates for the goods and services and authorized the rebidding of a contract for the remaining Sections; and

WHEREAS, the Township subsequently rebid the contract for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township; and

WHEREAS, the bid specifications stated that the Township reserved the right to award a contract to more than one (1) bidder and reserved the option to renew any contract awarded for one (1) additional year; and

WHEREAS, two (2) bids were received as follows:

1. Lucas Construction Group, Inc. of 1696 Englishtown Road, Old Bridge, New Jersey 08857 for the following amounts:

Section 1 - No bid
Section 2 - \$990.00 per hour
Section 3 - No Bid
Section 6 - No Bid
Section 7 - No Bid

2. AKC, Inc. of 178 Highway 34 and Schanck Road, Holmdel, New Jersey 07733 for the following amounts:

Section 1 - \$1,200.00 per hour
Section 2 - No Bid
Section 3 - No Bid
Section 6 - No Bid
Section 7 - No Bid; and

WHEREAS, Administration, the Township Attorney and the Director of Public Works have reviewed the bids received and recommend that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services for Section 2 be awarded to Lucas Construction Group as the lowest qualified bidder in an amount not to exceed \$11,600.00 for 2006 (which includes a \$1,500.00 setup fee) and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$29,700.00 for 2007; and

WHEREAS, Administration, the Township Attorney and the Director of Public Works further recommend that the bid of AKC, Inc. for the provision of snow removal services in Section 1 be rejected on the basis that AKC, Inc.'s bid proposal for that Section substantially exceeds the cost estimates for the goods and services; and

WHEREAS, the Township Council desires to accept the aforementioned recommendations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services in Section 2 for the Township of Marlboro Department of Public Works be and hereby is awarded to Lucas Construction Group and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Lucas Construction Group for the provision of said services in an amount not to exceed \$11,600.00 for 2006 (which includes a \$1,500.00 setup fee) and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$29,700.00 for 2007; and

BE IT FURTHER RESOLVED that the bid of AKC, Inc. for the provision of snow removal services in Section 1 be rejected on the basis that AKC, Inc.'s bid proposal for that Section substantially exceeds the cost estimates for the goods and services; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for the provisions of services under this contract for 2006, which is attached hereto, and that sufficient funds are available for said contract from Account Number 06-01-119-276; and

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

- a. Lucas Construction Group
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

The following Resolution # 2006-408 (Award of Bid - Snow removal - Glissen Landscaping) was introduced by reference,

offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-408

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO GLISSEN LANDSCAPING FOR THE PROVISION OF
SNOW REMOVAL SERVICES FOR THE TOWNSHIP
OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of snow removal services for the Township of Marlboro Department of Public Works for nine (9) different sections of the Township; and

WHEREAS, by Resolution #2006-352, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Triple C. Nurseries for the provision of snow removal services in Sections 4, 5, 8 and 9 of the Township; and

WHEREAS, by the same Resolution, the Township Council rejected the remaining bid submitted for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township on the basis that the bid proposal for those Sections substantially exceeded the cost estimates for the goods and services and authorized the rebidding of a contract for the remaining sections; and

WHEREAS, the Township subsequently rebid the contract for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township; and

WHEREAS, one (1) bid was received for the provision of services in Section 1; another bid was received for the provision of services in Section 2; and no bids were received for the provision of services in Section 3, 6 and 7; and

WHEREAS, by Resolution #2006-407, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Lucas Construction Group for the provision of snow removal services in Section 2 of the Township; and

WHEREAS, by the same Resolution, the Township Council rejected the remaining bid submitted by AKC, Inc. for the

provision of snow removal services in Section 1 of the Township on the basis that the bid proposal for that Section substantially exceeded the cost estimates for the goods and services; and

WHEREAS, on two (2) occasions, therefore, the Township has publicly solicited bids for the provision of snow removal services in Sections 1, 3, 6 and 7 and either the bids received were rejected because they exceeded the cost estimates for the good and services or no bids were received to provide the services for a particular section; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3), the Director of Public Works initiated negotiations with local vendors for the provision of snow removal services in Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, the Director of Public Works negotiated an agreement with Glissen Landscaping whereby Glissen Landscaping would provide three pieces of equipment at \$149.95 per hour for the performance of a portion of the snow removal services for Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, except for certain insubstantial requirements related to maintaining a fuel truck; designating a supervisor's vehicle; providing access to a supervisor and providing articulating tractors, Glissen Landscaping shall be required to comply with all of terms and conditions of the bid specifications issued by the Township for snow removal services; and

WHEREAS, the Director of Public Works contacted AKC, Inc. to advise it that the Township had negotiated an agreement with Glissen Landscaping and to offer AKC, Inc. the option of providing the required snow removal services for same hourly rate and under the same terms and conditions negotiated with Glissen Landscaping; and

WHEREAS, AKC, Inc. declined to provide the services for the same hourly rate negotiated with Glissen Landscaping; and

WHEREAS, the Director of Public Works recommends that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services for a portion of Sections 1, 3, 6 and 7 be awarded to Glissen Landscaping in an amount not to exceed \$5,248.50 (which

includes a \$750.00 setup fee) for 2006 and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$13,495.50 for 2007; and

WHEREAS, the Township Council desires to accept the aforementioned recommendation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services for portions of Sections 1, 3, 6 and 7 of the Township is awarded to Glissen Landscaping and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Glissen Landscaping for the provision of said services in an amount not to exceed \$5,248.50 (which includes a \$750.00 setup fee) for 2006 and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$13,495.50 for 2007; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for the provision of services under this contract for 2006, which is attached hereto, and that sufficient funds are available for said contract from Account Number 06-01-119-276; and

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

- a. Glissen Landscaping
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

The following Resolution # 2006-409 (Award of Bid - Snow Plowing - TJ's Lawn Maint.) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-409

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TJ'S LAWN MAINTENANCE & LANDSCAPING FOR THE PROVISION OF SNOW

REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT
OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of snow removal services for the Township of Marlboro Department of Public Works for nine (9) different sections of the Township; and

WHEREAS, by Resolution #2006-352, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Triple C. Nurseries for the provision of snow removal services in Sections 4, 5, 8 and 9 of the Township; and

WHEREAS, by the same Resolution, the Township Council rejected the remaining bid submitted for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township on the basis that the bid proposal for those Sections substantially exceeded the cost estimates for the goods and services and authorized the rebidding of a contract for the remaining sections; and

WHEREAS, the Township subsequently rebid the contract for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township; and

WHEREAS, one (1) bid was received for the provision of services in Section 1; another bid was received for the provision of services in Section 2; and no bids were received for the provision of services in Section 3, 6 and 7; and

WHEREAS, by Resolution #2006-407, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Lucas Construction Group for the provision of snow removal services in Section 2 of the Township; and

WHEREAS, by the same Resolution, the Township Council rejected the remaining bid submitted by AKC, Inc. for the provision of snow removal services in Section 1 of the Township on the basis that the bid proposal for that Section substantially exceeded the cost estimates for the goods and services; and

WHEREAS, on two (2) occasions, therefore, the Township has publicly solicited bids for the provision of snow removal services in Sections 1, 3, 6 and 7 and either the bids received were rejected because they exceeded the cost

estimates for the good and services or no bids were received to provide the services for a particular section; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3), the Director of Public Works initiated negotiations with local vendors for the provision of snow removal services in Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, the Director of Public Works negotiated an agreement with TJ's Lawn Maintenance & Landscaping ("TJ's Lawn") whereby TJ's Lawn would provide ten pieces of equipment at \$149.95 per hour for the performance of a portion of the snow removal services for Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, except for certain insubstantial requirements related to maintaining a fuel truck; designating a supervisor's vehicle; providing access to a supervisor; and providing articulating tractors, TJ'S Lawn shall be required to comply with all of terms and conditions of the bid specifications issued by the Township for snow removal services; and

WHEREAS, the Director of Public Works contacted AKC, Inc. to advise it that the Township had negotiated an agreement with TJ's Lawn and to offer AKC, Inc. the option of providing the required snow removal services for same hourly rate and under the same terms and conditions negotiated with TJ's Lawn; and

WHEREAS, AKC, Inc. declined to provide the services for the same hourly rate negotiated with TJ's Lawn; and

WHEREAS, the Director of Public Works recommends that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services for a portion of Sections 1, 3, 6 and 7 be awarded to TJ's Lawn in an amount not to exceed \$17,395.00 (which includes a \$2,400.00 setup fee) for 2006 and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$44,985.00 for 2007; and

WHEREAS, the Township Council desires to accept the aforementioned recommendation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a one (1) year contract with the option to renew for one (1) additional

year for the provision of snow removal services for portions of Sections 1, 3, 6 and 7 of the Township is awarded to TJ's Lawn and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and TJ's Lawn for the provision of said services in an amount not to exceed \$17,395.00 (which includes a \$2,400.00 setup fee) for 2006 and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$44,985.00 for 2007; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for the provision of services under this contract for 2006, which is attached hereto, and that sufficient funds are available for said contract from Account Number 06-01-119-276; and

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

- a. TJ's Lawn Maintenance & Landscaping
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. GluckWalrath, LLP.

The following Resolution # 2006-409A (Award of Bid - Snow Plowing - Lucas Brothers, Inc.) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-409A

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LUCAS BROTHERS, INC. FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of snow removal services for the Township of Marlboro Department of Public Works for nine (9) different sections of the Township; and

WHEREAS, by Resolution #2006-352, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Triple C. Nurseries for the

provision of snow removal services in Sections 4, 5, 8 and 9 of the Township; and

WHEREAS, by the same Resolution, the Township Council rejected the remaining bid submitted for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township on the basis that the bid proposal for those Sections substantially exceeded the cost estimates for the goods and services and authorized the rebidding of a contract for the remaining sections; and

WHEREAS, the Township subsequently rebid the contract for the provision of snow removal services in Sections 1, 2, 3, 6 and 7 of the Township; and

WHEREAS, one (1) bid was received for the provision of services in Section 1; another bid was received for the provision of services in Section 2; and no bids were received for the provision of services in Section 3, 6 and 7; and

WHEREAS, by Resolution #2006-407, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Lucas Construction Group for the provision of snow removal services in Section 2 of the Township; and

WHEREAS, by the same Resolution, the Township Council rejected the remaining bid submitted by AKC, Inc. for the provision of snow removal services in Section 1 of the Township on the basis that the bid proposal for that Section substantially exceeded the cost estimates for the goods and services; and

WHEREAS, on two (2) occasions, therefore, the Township has publicly solicited bids for the provision of snow removal services in Sections 1, 3, 6 and 7 and either the bids received were rejected because they exceeded the cost estimates for the good and services or no bids were received to provide the services for a particular section; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3), the Director of Public Works initiated negotiations with local vendors for the provision of snow removal services in Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, the Director of Public Works negotiated an agreement with Lucas Brothers, Inc. whereby Lucas Brothers,

Inc. would provide three pieces of equipment at \$149.95 per hour for the performance of a portion of the snow removal services for Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, except for certain insubstantial requirements related to maintaining a fuel truck; designating a supervisor's vehicle; providing access to a supervisor and providing articulating tractors, Lucas Brothers, Inc. shall be required to comply with all of terms and conditions of the bid specifications issued by the Township for snow removal services; and

WHEREAS, the Director of Public Works contacted AKC, Inc. to advise it that the Township had negotiated an agreement with Lucas Brothers, Inc. and to offer AKC, Inc. the option of providing the required snow removal services for same hourly rate and under the same terms and conditions negotiated with Lucas Brothers, Inc.; and

WHEREAS, AKC, Inc. declined to provide the services for the same hourly rate negotiated with Lucas Brothers, Inc.; and

WHEREAS, the Director of Public Works recommends that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services for a portion of Sections 1, 3, 6 and 7 be awarded to Lucas Brothers, Inc. in an amount not to exceed \$5,248.50 (including a \$750.00 setup fee) for 2006 and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$13,495.50 for 2007; and

WHEREAS, the Township Council desires to accept the aforementioned recommendation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services for portions of Sections 1, 3, 6 and 7 of the Township is awarded to Lucas Brothers, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Lucas Brothers, Inc. for the provision of said services in an amount not to exceed \$5,248.50 (including a \$750.00 setup fee) for 2006 and, conditioned upon the adoption of a budget for 2007, in an amount not to exceed \$13,495.50 for 2007; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for the provision of services under this contract for 2006, which is attached hereto, and that sufficient funds are available for said contract from Account Number 06-01-119-276; and

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

- a. Lucas Brothers, Inc.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. GluckWalrath, LLP.

The following Resolution # 2006-409B (Chapter 159 - NJDOT Grant - Robertsville Road) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-409B

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

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;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$150,000.00, which item is now available as a revenue from the New Jersey Department of Transportation for improvements to Robertsville Road and Union Hill Road, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$150,000.00 is hereby appropriated under the caption "NJ DOT Robertsville/Union Hill Road Grant".

The following Resolution # 2006-410 (Award of Bid - Gordons Corner/Robertsville Rd. Lucas Brothers, Inc.) was tabled to the December 7th agenda.

The following Resolution # 2006-411 (Award of Bid - Umbrellas - Installation - Swim Club) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-411

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO WHIRL CORPORATION, INC., FOR THE INSTALLATION OF SHADE UMBRELLAS AT THE MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the installation of shade umbrellas at Marlboro Swim Club; and

WHEREAS, the Township received three (3) bids from the following vendors in the following amounts:

- A. Whirl Corporation, Inc.
P.O. Box 110, 187 Main Street
Port Monmouth, NJ 07758
\$23,275.00

- B. Aquatic Services, Inc.
170 Burlington Avenue
Spotswood, NJ 08884
\$83,921.00

- B. Salazar & Associates, Inc.
2421 Iorio Street, 2nd Floor
Union, NJ 07083
\$96,000.00; and

WHEREAS, the Administration and the Township Attorney have reviewed said bids and recommend that the contract be awarded to Whirl Corporation, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Whirl Corporation, Inc. for the installation of shade umbrellas at Marlboro Swim Club;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for installation of shade umbrellas at Marlboro Swim Club is awarded to Whirl Construction, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Whirl Corporation, Inc. for the installation of shade umbrellas at the Marlboro Swim Club in an amount not to exceed \$23,275.00 and in accordance with the bid proposal submitted by Whirl Corporation, Inc.; 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 sufficient funds are available for said contract from Account Number X-08-55-980-210; and

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

- a. Whirl Corporation, Inc.
- b. Swim Club Executive Director
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. GluckWalrath LLP.

The following Resolution # 2006-412 (Approving Litigation Settlement - Wynne) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-412

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE LITIGATION
FILED BY ELISE WYNNE, JEANNINE WYNNE AND THOMAS P. WYNNE
AGAINST THE TOWNSHIP OF MARLBORO

WHEREAS, Elise Wynne, Jeannine Wynne and Thomas P. Wynne (collectively referred to as "Wynne") asserted various claims against the Township in a civil action filed in the Superior Court of New Jersey, Monmouth County, Chancery Division, Docket No. C-42-06 and captioned as Elise Wynne, et al. v. Township of Marlboro (the "Litigation"), alleging breach of contract and damage to their property located at 59 Wyncrest Road, Marlboro, New Jersey (the Property"), and the Township filed an answer to that complaint denying all wrongdoing; and

WHEREAS, as a result of settlement discussions between the parties, Wynne has agreed to settle the Litigation by executing a dismissal with prejudice of all claims and a release in favor of the Township in exchange for the Township's agreement to (1) maintain and assume all responsibilities to repair, construct, finance, install or service, in its discretion, the retaining wall and sidewalk of the Property for the life of Elise Wynne or until such time as Elise Wynne shall no longer use the Property as her primary residence due to sale or other removal, whichever event first occurs, (2) install handrails on both sides of the stairs on the front of the Property, and (3) replace certain landscaping on the Property allegedly damaged in May 2004; and

WHEREAS, the Township's Director of Public Works has recommended that the Township Council authorize the settlement of the Litigation in the manner set forth herein; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle the Litigation in the manner set forth herein in order to avoid the cost and uncertainty of litigation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the settlement of the Litigation pursuant to the terms and conditions set forth in this Resolution is hereby approved; and

BE IT FURTHER RESOLVED, that the Township Mayor and the Township Attorney are hereby authorized to execute any

documents necessary to effectuate the terms and conditions of this settlement and to take all steps necessary to comply with the terms and conditions of the settlement; and

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

- a. Raymond Santiago, Esquire, Attorney for Wynne.
- b. Township Director of Public Works.
- c. Gluck Walrath LLP.

The following Resolution # 2006-413 (Change Meeting Date - Dec. 14 to Dec. 18, 2006) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-413

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for December 14, 2006 be changed to December 18, 2006.

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

As the consent agenda, the following Resolutions were introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor):
Res. #2006-414 - Reject & Rebid - Municipal Addition),
Res. #2006-415 (Redemption Tax Sale Certs. - Various),
Res. #2006-416 (Refund - B. 147, Lot 13), Res. #2006-417 (Disabled Veteran Deduction - B. 139, L. 39), Res. #2006-418 (Refund of Overpayments - Various), Res. #2006-419 (Veteran deduction - B. 381, L. 53), Res. #2006-420 (Raffle License Marlboro Elementary PTA (Off Premise Merchandise),
Res. #2006-421 (Participating in County-Led Records Management Needs Assessment), Res. #2006-422 - Cancelling Dormant Payroll Account), Res. #2006-423 (Chapter 159 - Community Development Block Grant - Renovations to Morganville Senior Center and Res. #2006-424 - Chapter 159 - 2007 Highway Safety Fund Grant Program).

RESOLUTION # 2006-414

BE IT RESOLVED by the Township Council of the Township of Marlboro that all of the bid proposals received for

Municipal Building Addition

be and hereby are rejected on the basis that the Township wants to substantially revise the specifications for the goods and services;

BE IT FURTHER RESOLVED that the Business Administrator, following the revision of the specifications, be and she is hereby authorized and directed to readvertise for open, competitive bids for

Municipal Building Addition

as required by law.

RESOLUTION # 2006-415

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$29,773.06 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$29,773.06 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
05-11	146/13	Frank J. Festa Jr.	\$2,154.63
	Wooleytown Road	P.O. Box 97 Scotch Plains, NJ 07076-0097	
06-7	146/13	Frank J. Festa Jr.	715.94
	Wooleytown Road	P.O. Box 97 Scotch Plains, NJ 07076-0097	
06-15	299/119	Wachovia-Cust/SASS Muni V dtr	26,902.49

WHEREAS, the attached list, known as Schedule "A", is comprised of overbilled amounts resulting in overpayments for the 2002 first quarter taxes, and,

WHEREAS, the assessed owners at the time, Pierre D. & Carol A. Van Mater, III, had refused to sign vouchers authorizing them to receive a refund for these payments,

WHEREAS, these Blocks and Lots no longer appear on the current tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the above-mentioned overpaid amounts which total \$139.40.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>FORMER PROPERTY LOCATION</u>	<u>AMOUNT TO BE CANCELLED</u>
415	33.13	South Main Street	\$112.62
415	35 QFARM	Route 79	26.78
TOTAL:			<u>\$139.40</u>

RESOLUTION # 2006-419

WHEREAS, a Veteran deduction in the amount of \$250.00 has been allowed for the year 2006 for Block 381 Lot 53, located on 37 Murray Hill Terrace, assessed to Sigmund & Diane Amster,

WHEREAS, taxes for the year 2006 have been paid in full on the above-mentioned block & lot,

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

RESOLUTION # 2006-420

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 16-06 (On Premise Merchandise) be and it is hereby granted to Marlboro

Elementary School PTA, 100 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on December 8, 2006 at 95 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2006-421

A RESOLUTION REQUESTING PARTICIPATION IN COUNTY-LED RECORDS MANAGEMENT NEEDS ASSESSMENT

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 important 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 County and acknowledges that a records management needs assessment, inventory and strategic plan is the 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 AND IT IS HEREBY RESOLVED by the Mayor and Council of the Township of Marlboro that the Township encourages the Board of Chosen Freeholders of the County of Monmouth to apply for a county-wide needs

assessment in year three PARIS application that will allow all interested municipalities within the county to participate.

RESOLUTION # 2006-422

WHEREAS, the Township of Marlboro maintains a Payroll Account at Wachovia Bank account number 2088210012303 which has remained dormant for some time, and

WHEREAS, there remains a 10/31/06 balance in this account with no outstanding checks or other encumbrances of \$28,512.08, and

WHEREAS, this account is no longer required by Township operations,

NOW, THEREFORE, BE IT RESOLVED, that Wachovia Account number 2088210012303 is hereby cancelled with the unrestricted balance being deposited in the Unanticipated Revenue of the current fund and the accrued interest also being deposited into the appropriate Anticipated Revenue account in the Current Fund.

RESOLUTION # 2006-423

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

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;

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local

Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$51,416.00, which item is now available as a revenue from the 2006 Community Development Block Grant Program for renovations to the Morganville Senior Center, and

Section 2.

BE IT FURTHER RESOLVED that the sum of \$51,416.00 is hereby appropriated under the caption "CDBG _ Renovations to the Morganville Senior Center".

RESOLUTION # 2006-424

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

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

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 for the items listed below in the sum of \$73,000.00, which item is now available as a revenue from the New Jersey Department of Treasury for improvements and enforcement of Safe Corridors; and

- 2007 Dodge Charger Police Interceptor - \$24,000
- Harris Simulcast Solution Radio Repeater - \$20,000
- Spectracom Master Oscillator - \$7,500
- Motorola Radio Transmitter - \$15,000
- Antenna System - \$4,000
- Traffic Enforcement (RT#9) - \$2,500

Section 2

BE IT FURTHER RESOLVED that the sum of \$73,000.00 is hereby appropriated under the caption "Highway Safety Fund Grant".

At 9:25PM, Council President Morelli moved that the meeting go into executive session for reason of discussing acquisition of property and contract negotiations and litigation. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor). Recess was called and the meeting resumed at 9:45.

RESOLUTION # 2006-425

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 13th day of November, 2006 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 item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:55PM, Councilman Pernice moved to open the meeting. This was seconded by Council President Morelli, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

Council briefly discussed the Management and Efficiency Review of the MTMUA prepared by Jersey Professional Management. This will be discussed further at a subsequent meeting.

At 11:10PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT