

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

DECEMBER 16, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on December 16, 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 Canter, Councilwoman Morelli, Councilman Pernice and Council President Mione. Council Vice President Denkensohn was absent.

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

The Clerk called the Roll.

Public Information Report - Public Information Director Susan Levine announced the following: Holiday tree collection dates Jan. 3<sup>rd</sup> or Jan. 10<sup>th</sup>; Marlboro Recreation Department's innovative winter programming for residents, Marlboro Recreation Senior Program serving an All-You-Can-Eat Pasta Dinner Fri., Jan. 7<sup>th</sup> from 5-7:30pm at the Recreation Center, JCP&L Outage Hotline 1-888-544-4877 to report power outages, Fire Prevention reminder. MTTV Channel 77 aired the Annual Vigil Against Drunk or Drug induced driving, co-sponsored by the Marlboro Alliance and the Marlboro High School adapt program and Marlboro Township Municipal Offices will be closed Christmas Eve Fri., Dec. 24<sup>th</sup> and New Year's Eve, Fri., Dec. 31<sup>st</sup>.

Ms. Levine concluded by wishing everyone a happy, healthy and safe holiday season and wonderful New Year.

Councilman Pernice moved that the minutes of October 28<sup>th</sup> and November 9<sup>th</sup>, 2004 be approved. This motion was seconded by Council President Mione and the minutes were passed on a roll call vote of 3 - 0 with Councilman Cantor abstaining (Absent: Denkensohn).

After discussion, the following Res. #2004-360/Ord. #2004-26 (Amending Chapter 14 - Contribution Disclosure of Applicants before Planning and Zoning Boards) was moved to a future agenda.

Council President Mione opened the Public Hearing on Ordinance #2004-27 (Allowing Appeals to the Governing Body of Zoning Board Decisions on Use Variance). After the public hearing, the following Resolution #2004-375/Ord. #2004-27 (Allowing Appeals to Governing Body of Zoning Board Decisions on Use Variance) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-375

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

ORDINANCE # 2004-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS," ARTICLE II "LAND USE PROCEDURES," SECTION 84-6 "APPEALS TO GOVERNING BODY" AND SECTION 84-11 "PUBLIC HEARINGS AND NOTICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on December 2, 2004, public hearing held December 16, 2004, be adopted on second and final reading this 16th day of December, 2004.

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

The following Resolution #2004-363 (Tabled 12/2) - Amending Negotiating Committee COAH) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-363

RESOLUTION APPOINTING AN ADDITIONAL REPRESENTATIVE  
OF THE TOWNSHIP OF MARLBORO FOR PURPOSES OF THE  
COUNCIL ON AFFORDABLE HOUSING MEDIATION

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, by Resolution #2004-319, the Township Council of the Township of Marlboro appointed Judith Tiernan, Acting Business Administrator of the Township of Marlboro; Andrew Bayer, Esq. of Gluck Walrath, LLP; and Jennifer Beahm of LGA Engineering, Inc. as the representatives of the Township of Marlboro for purposes of the COAH mediation process; and

WHEREAS, while it is not required by the applicable regulations, COAH has now recommended that the Township of Marlboro also appoint a member of the Township of Marlboro Planning Board to the COAH mediation team in order to provide additional insight regarding the Affordable Housing Plan; and

WHEREAS, based upon this recommendation, the Township Council of the Township of Marlboro believes that the

appointment of a Planning Board member to the COAH mediation team would be beneficial; and

WHEREAS, the Township Council desires to appoint Planning Board member, Gerald Bergh, to the COAH mediation team.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that Planning Board member, Gerald Bergh, is hereby appointed as an additional representative of the Township of Marlboro for purposes of the COAH mediation process; and

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

1. Township of Marlboro Planning Board
2. Acting Business Administrator
3. Gluck Walrath, LLP.

The following Resolution #2004-376 (Appointments - Veterans & Volunteers Committee) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-376

RESOLUTION APPOINTING MEMBERS TO THE  
TOWNSHIP OF MARLBORO VETERANS  
AND VOLUNTEERS COMMITTEE

WHEREAS, pursuant to Resolution #2004-167, the Township Council of the Township of Marlboro created the Veterans and Volunteers Committee as a special committee of the Township Council; and

WHEREAS, said Committee consists of ten (10) members appointed by the Township Council for a term of one (1) year; and

WHEREAS, the Township Council now desires to make four (4) appointments to the Veterans and Volunteers Committee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the following individuals shall be appointed as members of the Veterans and Volunteers Committee for a term of one (1) year:

1. Ronald Boyce, Jr. - Robertsville Volunteer Fire Company
2. Brad Greenberg - Marlboro First Aid
3. Richard Jaccard - Morganville Independent Fire Company
4. Bill Waple - United States Veteran

Resolution #2004-377 (Appointments - COAH Committee) was introduced by reference, offered by Councilman Pernice and seconded by Council President Mione. Discussion followed, After which the resolution was defeated on a roll all vote of 1 - 3, with Councilman Cantor, Councilwoman Morelli and Councilman Pernice voting no (Absent: Denkensohn).

The following Resolution #2004-378 (Bond Release Dr. Rosenblatt Site Plan) introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and defeated on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-378

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE DR. ROSENBLATT SITE PLAN, BLOCK 176, LOT 103

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request for the release of the Performance Bond and Cash Bond being held by the Township for the Dr. Rosenblatt Site Plan, Block 176, Lot 103 (the "Property"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 28, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township upon the following conditions (1) the posting of a Maintenance Guaranty in the amount of \$12,000.00; and (2)

the payment of all fees as required by the Developer's Agreement; 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 posted for the Property shall be released in their entirety upon the following conditions: (1) the posting of a Maintenance Guaranty in the amount of \$12,000.00; and (2) the payment of all fees as required by the Developer's Agreement; and

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

- a. Dr. Bernard Rosenblatt
- b. Selective Insurance Company
- c. Marlboro Professional Commons, LLC
- d. Amboy National Bank
- e. Township Engineer
- f. Chief Financial Officer
- g. Gluck Walrath, LLP

The following Resolution #2004-379 (Requesting 1-year extension - Route 79/School Road E. Intersection Improvement) introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and defeated on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-379

RESOLUTION AUTHORIZING THE REQUEST OF AN EXTENSION OF TIME FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN WHICH TO AWARD A CONTRACT FOR ROADWAY IMPROVEMENTS TO SCHOOL ROAD EAST, ROUTE 79 SECTION

WHEREAS, pursuant to an agreement between the Township of Marlboro (the "Township") and the New Jersey Department of Transportation (the "NJDOT") dated December 21, 1999 (the "Agreement"), the NJDOT agreed to provide to the Township an aggregate grant of \$150,000.00 (the "Grant

Monies") for roadway improvements to School Road East, Route 79 Section ("School Road"); and

WHEREAS, as a condition of receiving the Grant Monies, a contract between the Township and a prospective contractor must be awarded no later than January 9, 2005 (the "Deadline"); and

WHEREAS, the Township Engineer has now advised the Township Council that it was recently determined, together with the NJDOT Bureau of Major Access, that an additional permit must be obtained before the planned improvements to School Road can begin and therefore a one (1) year extension of the Deadline is necessary; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to formally extend a request to the NJDOT for a one (1) year extension of the Deadline.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the appropriate Township Officials are hereby authorized to seek one (1) year extension of the Deadline; 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. Township Administrator
- c. Township Engineer
- d. Director of the Department of Public Works
- e. GluckWalrath LLP

The following Resolution #2004-380 (Award of Contracts - Various Capital Improvements) introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-380

RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING

SERVICES IN CONNECTION WITH VARIOUS CAPITAL IMPROVEMENT  
PROJECTS

WHEREAS, the Mayor and the Township Council of the Township of Marlboro desire to undertake certain capital improvement projects including (1) reconstruction of Igoe Road; (2) repair of Rockwell Circle Dam; (3) cleaning of the Barclay Stream; (4) preparation of a Stormwater Pollution Prevention Plan; and (5) installation of a traffic signal for the Union Hill Road Commuter Parking Lot and performance of other improvements to said lot (collectively referred to as the "2004 Capital Improvements"); and

WHEREAS, there exists a need for the Township of Marlboro to enter into contracts for the provision of engineering services in connection the 2004 Capital Improvements; and

WHEREAS, the Township of Marlboro has received the following proposals (collectively referred to as the "Proposals"), which are attached hereto and made a part hereof, from Birdsell Engineering, Inc. to provide the required engineering services for the 2004 Capital Improvements:

1. Reconstruction of Igoe Road - Proposal dated May 17, 2004 to provide necessary design engineering services for an amount not to exceed \$25,000.00;

2. Repair of Rockwell Circle Dam - Proposal dated July 21, 2004 to provide permitting, design and field support for an amount not to exceed \$28,500.00;

3. Cleaning of the Barclay Stream - Proposal dated August 2, 2004 to provide professional engineering and environmental services for an amount not to exceed \$25,000.00;

4. Preparation of a Stormwater Pollution Prevention Plan - Proposal dated September 23, 2004 to provide engineering services for an amount not to exceed \$12,500.00, which will be funded by a Stormwater Grant approved for the Township of Marlboro by the New Jersey Department of Environmental Protection; and

5. Installation of a Traffic Signal for the Union Hill Road Commuter Parking Lot and Performance of Other Improvements - Proposal dated December 9, 2004 to provide design engineering services for an amount not to exceed \$50,000.00; and

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

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

WHEREAS, the Township Council believes it is in the best interest of the residents of the Township of Marlboro to enter into professional services contracts with Birdsall Engineering, Inc. for the provision of engineering services in connection with the 2004 Capital Improvements.

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 for the provision of engineering services in connection with the 2004 Capital Improvements in accordance with the Proposals submitted by Birdsall Engineering, Inc.; and

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

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

The following Resolution #2004-381 (Award of Contract - Spring Valley/Texas Road Intersection - Conceptual Design) introduced by reference, offered by Councilwoman Morelli,

seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-381

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN VOLLMER ASSOCIATES, LLP AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH CERTAIN IMPROVEMENTS TO THE INTERSECTION OF SPRING VALLEY ROAD AND TEXAS ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of engineering services in connection with certain improvements to the intersection of Spring Valley Road and Texas Road, Township of Marlboro, New Jersey (the "Project"); and

WHEREAS, the Township of Marlboro has received a proposal dated September 30, 2004 (the "Proposal"), which is attached hereto and made a part hereof, from Vollmer Associates, LLP to provide the required engineering services for the Project for a fee not to exceed \$9,980.00; and

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

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

WHEREAS, the Township Council believes it is in the best interest of the residents of the Township of Marlboro to enter into a professional services contract with Vollmer Associates, LLP for the provision of engineering services for the Project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form

legally acceptable to the Township Attorney, between Vollmer Associates, LLP and the Township of Marlboro for the provision of engineering services for the Project for a fee not to exceed \$9,980.00 and in accordance with the Proposal; and

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

- a. Vollmer Associates, LLP
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution #2004-382 (Award of Bid - Union Hill Road Improvements) introduced by reference, offered by Councilman President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-382

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO EARLE ASPHALT COMPANY TO MAKE CERTAIN ROADWAY IMPROVEMENTS TO UNION HILL ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the performance of certain roadway improvements to Union Hill Road; and

WHEREAS, six (6) bid proposals were received as follows:

1. Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$118,713.13;
2. Lucas Brothers, Inc. of Morganville, New Jersey in the amount of \$136,940.00;
3. DeFino Contracting Company of Cliffwood Beach, New Jersey in the amount of \$142,236.00;
4. Stavola Contracting Company, Inc. of Red Bank, New Jersey in the amount of \$168,120.00;

5. L & L Paving Co., Inc. of Tinton Falls, New Jersey in the amount of \$188,620.00; and
6. Star of the Sea Concrete Corp of Old Bridge, New Jersey in the amount of \$189,146.00; and

WHEREAS, Administration and the Township Engineer recommend that a contract be awarded to Earle Asphalt Company to make certain roadway improvements to Union Hill Road, as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Earle Asphalt Company as the lowest qualified bidder.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to make certain roadway improvements to Union Hill Road be and hereby is awarded to Earle Asphalt Company 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 Earle Asphalt Company in an amount not to exceed \$118,713.13 and in accordance with the bid proposal submitted by Earle Asphalt Company; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

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

- a. Earle Asphalt Company
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution #2004-383 (Reject and Rebid - Cell Tower) introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-383

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

Cell Tower

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

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

Cell Tower

as required by law.

The following Resolution #2004-384 (Award of Bid - Uniforms for Public Works) introduced by reference, offered by Council President Mione, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-384

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TOP HAT UNIFORM RENTAL, INC. TO PROVIDE UNIFORMS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide uniforms for the Township of Marlboro Department of Public Works; and

WHEREAS, one (1) bid was received as follows:

1. Top Hat Uniform Rental, Inc. of Long Branch, New Jersey in the amount of \$23,061.25; and

WHEREAS, Administration and the Director of Public Works have reviewed the bid received and recommend that the contract to provide uniforms for the Township of Marlboro Department of Public Works be awarded to Top Hat Uniform Rental, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award

said contract to the lowest qualified bidder, Top Hat Uniform Rental, Inc.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide uniforms to the Township of Marlboro Department of Public Works be and hereby is awarded to Top Hat Uniform Rental, 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 Top Hat Uniform Rental, Inc. for the provision of said services and goods in an amount not exceeding \$23,061.25, and in accordance with the bid proposal submitted by Top Hat Uniform Rental, Inc.; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

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

- a. Top Hat Uniform Rental, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath LLP.

The following Resolution #2004-385 (Corrective Action Plan) introduced by reference, offered by Councilman Pernice, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-385

RESOLUTION APPROVING AND ACCEPTING  
CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2003 Annual Audit of the Township of Marlboro, conducted by Fallon & Fallon LLP, contained certain recommendations requiring action, and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer, and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that the Corrective Action Plan for the SFY 2003 Annual Municipal Audit, hereto attached, is approved and accepted, and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

The following Resolution #2004-386 (Transfers) introduced by reference, offered by Councilman Pernice, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2003-386

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 2004 Budget as follow:

CURRENT FUND			
DEPARTMENT	ACCOUNT #	AMOUNT FROM	AMOUNT TO

From:

Parks & Recreation	S&W	1-2004-1-375-01-	25,000.00	
Shade Tree Comm	S&W		1,900.00	
Shade Tree Comm	OE		4,000.00	
Tax Collection	OE		6,000.00	
Landfill Disposal	OE		20,000.00	
Administration	S&W		22,000.00	
Affordable housing	S&W		9,000.00	
To:				
Gasoline / Diesel	OE			52,000.00
Commuter Affairs	OE			1,525.00
Telephone	OE			5,075.00
Annual Audit	OE			6,500.00
Vehicle Maintenance	OE			3,500.00
Natural Gas	OE			15,000.00
Planning	S&W			1,300.00
Recycling	OE			3,000.00
			87,900.00	87,900.00

The following Resolution #2004-387 (Award of Contract - Mowers) introduced by reference, offered by Councilman Cantor, seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-387

RESOLUTION AUTHORIZING THE PURCHASE OF A TORO  
 GROUNDS MASTER 345 MOWER FOR THE DEPARTMENT OF  
 PUBLIC WORKS STATE CONTRACT #A42825

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase a Toro Grounds Master 345 Mower from Storr Tractor, 3191 Route 22, Somerville, NJ 08876 under State Contract #A42825 for the amount of \$13,255.00; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New

Jersey to provide the equipment to the Township of Marlboro Department of Public Works; and

WHEREAS, funds are available in Capital Budget Account Number X-2004-0000-0021-004-02078 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 to purchase a Toro Grounds Master 345 Mower from Storr Tractor, 3191 Route 22, Somerville, NJ 08876 under State Contract #A42825 for the amount of \$13,255.00; and

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

- a. Storr Tractor, Somerville, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2004-388 (Authorizing Lease for Copier - Police Dept.) introduced by reference, offered by Councilman Pernice, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-388

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE BETWEEN THE TOWNSHIP OF MARLBORO AND RICOH BUSINESS SYSTEMS, INC. FOR A COPIER MACHINE FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT PURSUANT TO STATE CONTRACT #51465

WHEREAS, pursuant to State Contract, on or about December 16, 2003, the Township of Marlboro entered into a lease agreement with Duplitron, Inc., whereby the Township of Marlboro leased a copier machine for the Township of Marlboro Police Department; and

WHEREAS, the copier machine provided by Duplitron, Inc. continually malfunctioned causing delays in the operations of the Police Department; and

WHEREAS, in accordance with the State Contract, the lease agreement with Duplitron was terminated; and

WHEREAS, Administration and the Township of Marlboro Police Department have recommended that the Township of Marlboro enter into a new lease for a copier machine with Ricoh Business Systems, Inc. pursuant to State Contract #51465 for a term of five (5) years at a price of \$300.00 per month; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to lease a copier machine for the Police Department; and

WHEREAS, funds are available in the 2005 Municipal budget and will become available in subsequent budget years.

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 a lease, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Ricoh Business Systems, Inc., pursuant to State Contract #51465, for a copier machine for the Township of Marlboro Police Department for a term not exceeding five (5) years and for a monthly price not exceeding \$300.00; and

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

- a. Ricoh Business Systems, Inc.
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer

e. Gluck Walrath, LLP

The following Resolution #2004-389 (Authorizing Purchase of Winter Road Materials) introduced by reference, offered by Councilman Pernice, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-389

RESOLUTION AWARDING AN EMERGENCY CONTRACT TO YARDVILLE  
SUPPLY COMPANY FOR THE PROVISION OF WINTER ROADWAY  
MATERIALS

WHEREAS, the Township of Marlboro and Freehold Borough authorized the acceptance of bids for a joint agreement pursuant to N.J.S.A. 40A:11-10 for the provision of winter road materials for the year 2005 for both the Township of Marlboro and Freehold Borough (the "Joint Agreement"); and

WHEREAS, all of the bids submitted were rejected and the Joint Agreement is now in the process of being rebid; and

WHEREAS, the Director of the Department of Public Works has advised the Township Council that the Township of Marlboro does not currently have an adequate supply of road salt should there be ice or snow on the roads in the coming weeks; and

WHEREAS, until the Joint Agreement is awarded, the Township of Marlboro is unable to purchase additional rock salt; and

WHEREAS, the Director of the Department of Public Works has advised the Township Council that this presents an emergency situation affecting the public health, safety and welfare of the residents of the Township of Marlboro, thereby requiring the immediate award of a contract for the provision of rock salt to the Township of Marlboro until such time as the Joint Agreement is awarded; and

WHEREAS, the Director of the Department of Public Works has contacted five companies that sell rock salt and has advised the Township Council that Yardville Supply Company is the only company that carries the type of rock

salt that has been utilized by the Township of Marlboro for the past five years; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding therefore, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Township Council now desires to award an emergency contract for the provision of rock salt to Yardville Supply Company.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that an emergency situation exists affecting the public health, safety and welfare of the residents of the Township of Marlboro, thereby permitting the immediate award of an emergency contract without public bidding for the provision of rock salt to the Township of Marlboro; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to enter into an emergency contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Yardville Supply Company for the provision of rock salt on an as-needed basis at a price not exceeding \$81.00 per ton; and

BE IT FURTHER RESOLVED that said emergency contract shall remain in effect until such time as the Joint Agreement is awarded or until such time as the contract is terminated by the Township of Marlboro, whichever occurs first; and

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

- a. Yardville Supply Company
- b. Township Administrator
- c. Township Chief Financial Officer
- c. Director of the Department of Public Works
- d. Gluck Walrath LLP.

The following Resolution #2004-390 (Amending Res. #2004-349 - Monmouth County Municipal Open Space Grant) introduced by

reference, offered by Councilman Cantor, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-390

RESOLUTION AMENDING RESOLUTION #2004-349 AUTHORIZING THE MAYOR TO MAKE AN APPLICATION TO THE COUNTY OF MONMOUTH FOR OPEN SPACE TRUST FUNDS

WHEREAS, pursuant to Resolution #2004-349, the Township Council of the Township of Marlboro authorized the Mayor to make an application to the County of Monmouth for Open Space Trust Funds in the amount of \$250,000.00 to fund the development of the Township of Marlboro Park - Phase II, Block 253, Lot 36; and

WHEREAS, Resolution #2004-349 incorrectly states that the total project cost including all matching funds is \$499,755.08; and

WHEREAS, the actual project cost including all matching funds is \$426,722.80; and

WHEREAS, the Township Council of the Township of Marlboro now desires to correct this error in Resolution #2004-349.

NOW, THEREFORE, BE IT RESOLVED BY the Township Council of the Township of Marlboro that the third "WHEREAS Clause" of Resolution #2004-349 is hereby amended in its entirety to state as follows:

"WHEREAS, the total cost of the project including all matching funds is \$426,722.80; and"

The following Resolution #2004-391 (Amendments to 2005 Swim Regs & Fees) introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 3 - 0 (Absent: Denkensohn and Pernice)

RESOLUTION # 2004-391

RESOLUTION ESTABLISHING ADDITIONAL SWIM DIVISION REGULATIONS AND FEES FOR THE 2005 SEASON

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

WHEREAS, by Resolution #2004-271, the Township Council approved the proposed Swim Division regulations and fees for the 2005 season; and

WHEREAS, the Swim Division Board of Directors has considered certain incentives and programs to increase membership and has proposed an additional 2005 season regulation for approval by the Township Council; and

WHEREAS, the Township Council, having considered the proposed additional regulation for the 2005 season, now wishes to provide its approval of the same as follows.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the following additional regulation for guest books shall be added as subsection (c) of paragraph 16 of the 2005 season regulations and fees approved by the Township Council pursuant to Resolution #2004-271:

"(c) In order to encourage resident families to join the Marlboro Swim Club, the Swim Club Management is authorized to advertise and promote a "free guest book" offer. This offer will permit Swim Club Management to give one (1) sequentially numbered, twenty ticket guest book at no charge to any resident family who places their name on the Swim Club wait list and purchases a first-time, full-time or part-time family membership at the facility. The Swim Club office staff at the municipal complex will administer this offer and retain the appropriate records."

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

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

The following Resolutions were introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn and Pernice). Res. #2004-392 (Redemption Tax Sale Certs. - Various), Res. #2004-393 (Refunds for Overpayments - Various), Res. #2004-394 (Veteran Deductions - Various) and Res. #2004-395 (Disabled Veteran Exemption - B. 327, L. 6).

RESOLUTION # 2004-392

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$37,565.93 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 \$37,565.93 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>
03-22	199/9	Crusader Servicing Corp.	\$28,645.54
	55 Gordons Corner Rd.	179 Washington Lane Jenkintown, PA 19046	
04-1	104/8	L3A c/o Ray Kelvy	4,236.53
	4 Thomas Lane	144 Roxboro Road Lawrenceville, NJ 08648	
04-21	412.04/12	Betty Simon, Trustee LLC	4,683.86
	40 Kingfisher Court	P.O. Box 238 Northfield, NJ 08225	
TOTAL:			\$37,565.93

RESOLUTION # 2004-393

WHEREAS, the attached list in the amount of \$26,232.46 known as Schedule "A", is comprised of amounts representing overpayments for 2004 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
118	35	J. Blazewicz & M. Devlin	\$ 13.36
5 Poet Drive		5 Poet Drive Matawan, NJ 07747	
119.02	27	Valentin Raksin	1,987.70
40 Samantha Drive		426 Danbury Lane East Brunswick, NJ 08816 Assessed Owner: Nataliya Yashayeva	
120.02	15	First American Tax Service	4,702.55
418 Ironwood Lane		Refund Dept. MS 300 1201 Elm Street, Suite 400 Dallas, TX 75270-9987 Re: Gerald Begrowicz & Resa Bellan	
127	15	Emil & Barbara DeLorenzo	250.00
38 Nolan Road		38 Nolan Road Morganville, NJ 07751	
155	4.07	Arthur & Biana Goikhman	152.20
12 Polazzo Grande		12 Polazzo Grande Morganville, NJ 07751	
176	7 C0657	Countrywide Tax Services	57.79
657 Snowdrop Court		SV-24, Suite 300 1757 Tapo Canyon Road Simi Valley, CA 93063 Re: Alexander & Elena Snovsky	
178	2 C0193	Matthew & Carrie Sorkin	1,154.64
193 Nantucket Place		193 Nantucket Place Morganville, NJ 07751	

184	124	Yashvant Kumar & Nirmala Patel 119 Valesi Drive Morganville, NJ 07751	4,529.82
189	7	Ohio Savings Bank OH98-0810 1111 Chester Avenue, STE 200 Cleveland, OH 44114 Re: Steven & Amy Silver	2,387.53
214.05	27	David & Elise Fischler 60 Stevenson Drive Marlboro, NJ 07746	167.73
285	24	Countrywide Tax Services SV-24, Suite 300 1757 Tapo Canyon Road Simi Valley, CA 93063 Re: Ralph & Sabrina DiMaiolo	12.41
307	24	Eric & Eileen Polly c/o Arnold L. Decker, Esq. 30 Robertsville Road Marlboro, NJ 07746 (Former Assessed Owners)	3,293.12
339	27	Steven & Sharyn Wexler 9 Stone Lane Marlboro, NJ 07746	112.00
360	25.38	Countrywide Tax Services SV-24, Suite 300 1757 Tapo Canyon Road Simi Valley, CA 93063 Re: Chau Ming & Salina Ho Yuen	700.00
412	130	Peter & Laura Pirrone 10 Branch Court Marlboro, NJ 07746	2,198.69
419.01	7	First American Tax Service Refund Dept. MS 300 1201 Elm Street, Suite 400 Dallas, TX 75270-9987 Re: Yugandhara Rao & Uma Anikicharla	4,512.92

TOTAL: \$ 26,232.46

RESOLUTION # 2004-394

WHEREAS, Veteran deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2004,

WHEREAS, taxes for the year 2004 have been paid in full on the above-referenced block & lots,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
198	1	Michael & Eileen Mantella	\$250.00
2 Buttonwood Drive 2 Buttonwood Drive Marlboro, NJ 07746			
412	70	John & Bobbie Bethea	250.00
1 Damascus Drive 1 Damascus Drive Marlboro, NJ 07746			
TOTAL:			<u>\$500.00</u>

RESOLUTION # 2004-395

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Michael Sherwin, Block 327 Lot 6, located at 65 Ottawa Road South,

WHEREAS, taxes were billed for the full year of 2004 in the amount of \$8,678.86, and

WHEREAS, this exemption became effective May 28th, 2004 and taxes were paid for the full year, the above-mentioned taxpayer is due a refund of \$5,231.87 for the year 2004 and cancel same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount totaling \$5,231.87 to the above-mentioned taxpayer.

The following Resolution #2004-396 (Setting Reorganization Meeting - January 6, 2005) introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-396

BE IT RESOLVED by the Township Council of the Township of Marlboro that it will hold its reorganization meeting on January 6, 2005 at 8 PM at the Town Hall, 1979 Township Drive, Marlboro, New Jersey 07746.

At 10:30PM, Councilwoman Morelli moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiation, 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 10:45PM.

RESOLUTION # 2004-397

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 16th day of December, 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, litigation and personnel.

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 2 hours. 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 12:45 AM, Councilman Cantor moved that the executive session be opened. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

The following Resolution #2004-398 (Termination of Contract - Fallon & Fallon) introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-398

RESOLUTION TERMINATING THE APPOINTMENT OF THOMAS  
P. FALLON OF THE FIRM OF FALLON & FALLON, LLP AS  
THE INDEPENDENT TOWNSHIP AUDITOR

WHEREAS, Section 4-32 of the Code of the Township of Marlboro requires the Township Council to appoint an independent township auditor; and

WHEREAS, by Resolution #2004-88, the Township Council appointed Thomas P. Fallon of the firm of Fallon & Fallon, LLP as the independent township auditor pursuant to Section 4-32; and

WHEREAS, the Township Council intends to appoint a new independent township auditor to perform, among other things, the 2004 Statutory Audit; and

WHEREAS, the Township Council finds that it is no longer necessary for Thomas P. Fallon to act as the independent township auditor or to perform any services in connection with the 2004 Statutory Audit.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the appointment of Thomas P. Fallon as the independent township auditor is hereby terminated and neither he nor his firm are authorized to perform any additional services in connection with the 2004 Statutory Audit and the professional services contract between the Township of Marlboro and Thomas P. Fallon is hereby terminated; and

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

- a. Thomas P. Fallon
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

At 12:50PM, Councilman Cantor moved that the meeting be adjourned. This was seconded by Council President Mione, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: February 17, 2005

OFFERED BY: Morelli                      AYES:        4

SECONDED BY: Pernice                    NAYS:        0

ABSENT:      Denkensohn

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ALIDA DE GAETA  
MUNICIPAL CLERK

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JAMES MIONE  
COUNCIL PRESIDENT

