

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - JANUARY 14, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President Joseph A. Brodniak at 8:25 P.M. on Thursday, January 14, 1971 at Central School. Councilman Grossman lead in the moment of silence and salute to our flag.

ROLL CALL: Present: Councilmen Czerny, Grossman, Williams and Brodniak

Absent: Councilman McLaughlin

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind and Clerk Mildred Ackerman.

Council President Brodniak reviewed the agenda.

UNFINISHED BUSINESS:

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #1-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Council go on record as indicating its approval of a letter dated January 5, 1971 to the Township Clerk from Robert J. Nolan, Supervising Engineer of the Traffic Bureau in the Department of Transportation of the State of New Jersey, recommending the establishment of a 45 miles per hour speed zone on Texas Road from Madison Township line to Greenwood Road and thence 40 miles per hour on Texas Road to the Matawan Township line;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Traffic Bureau of the Department of Transportation with a request that specifications for the installation of signs be determined;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Clerk of the Township of Madison, Middlesex County, and the Clerk of the Township of Matawan, Monmouth County."

The resolution was seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Clerk Mildred Ackerman read the following resolution, which was offered by Councilman Czerny and seconded by Councilman Grossman:

RESOLUTION #2-71

"WHEREAS, on October 6th, 1970, the Zoning Board of Adjustment by resolution recommended to the Council that Leonard V. Rappa be granted a variance to permit the construction and occupation of a professional building on premises located at the corner of Wilson Avenue and Route 79 and known as Lots 6, 7, 8A, 8B and 9 in Block 26B on the Tax Map of the Township of Marlboro; and

WHEREAS, the Zoning Board of Adjustment made certain findings of fact and conclusions of law in support of said application;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro as follows:

1. The Council hereby finds that the proposed use of these premises would not be detrimental to the general health, safety and welfare of the Township in general and to the specific premises in particular; and that the requested relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance and zone plan of the Township.

2. That Leonard V. Rappa be and he is hereby granted a variance to construct and occupy a professional building on premises located at the corner of Wilson Avenue and Route 79, and known as Lots 6, 7, 8A, 8B and 9 in Block 26B

on the Tax Map of the Township of Marlboro subject, however, to the following conditions:

(a) That the above building be constructed in accordance with a site plan entitled "Site Plan of Property Situated in Marlboro Township, NJ., prepared for Rappa Bros., Inc.", prepared by George T. Lucas, Engineer, Planners, Surveyors, Perth Amboy, New Jersey, dated January 23, 1970, revised March 15, 1970, subject however, to the changes in said site plan hereinafter set forth.

(b) That said site plan be amended to provide that sidewalks along the back of the curbing adjacent to the parking lot be 6 feet wide to compensate for 18 inches to 24 inches overhang of cars over the walk; that radii of the curbs at the entrance and exit should be shown; that low plantings shown on the site plan should not exceed 3 feet in height above the curb line so as not to distract driver's view; and that the building and parking spaces numbered 15 to 49 be shifted to the northeast 13 feet as shown on a sketch prepared by the Township Engineer attached to the Engineer's letter of November 2nd, 1970, in order to provide an additional 12 to 18 parking spaces.

(c) That said site plan be further amended to incorporate recommendations made by the Planning Board Engineer dated April 28th, 1970.

(d) That no building permit or zoning permit shall be issued until such time as said site plan has been amended as set forth above and approved by the Planning Board of the Township of Marlboro.

(e) That said use be limited to occupation by physicians, surgeons, dentists, lawyers, architects and engineers."

DISCUSSION: Pres. Brodniak said he was opposed to this variance because it was not in conformance with the zoning plan and was not a hardship case. He said although the township did need a professional building, he thought there was sufficient land available in the proper zone without having to grant a variance. After the remaining Council members cited the township's need for this type of commercial ratable, the resolution was adopted on the following roll call vote: Ayes: Councilmen Czerny, Grossman and Williams. Nays: Brodniak
Absent: McLaughlin.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #3-71

"WHEREAS, the Planning Board on December 4th, 1970 approved a revised site plan of St. Gabriel's Church covering Block 55, Lot 8 on the Official Tax Map of the Township of Marlboro, prepared by Moran Associates; and

WHEREAS, the Township Engineer has reviewed said site plan and has recommended certain changes and revisions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the revised site plan of St. Gabriel's Church covering Block 55, Lot 8 on the Official Tax Map of the Township of Marlboro prepared by Moran Associates, be and the same is hereby approved subject to the following conditions:

1. Storm drainage be revised as follows: C.B.146.75 at the northeast corner of two access roads should be relocated to the south side of the south access road and connected to C.B.147.0 and to C.B.144.0 with 15-inch nominal diameter R.C. pipe; C.B.144.0 should be connected to C.B. 142.50 with 15-inch nominal diameter R.C. pipe; C.B.142.50 should be double inlet; from C.B.142.50 to the headwall the R.C. pipe should be 18-inch nominal diameter. The 18-inch pipe shown on the plan from C.B. 144.0 to the headwall should be deleted.
2. The parking lot be graded so that surface water drains to the southeast corner of the lot.
3. Curbing be constructed along the southerly side of the parking lot rather than along the westerly side of the access road which parallels Route 79.
4. That approval of the New Jersey Department of Transportation and the Monmouth County Planning Board be obtained."

Resolution was seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #4-71

"BE IT RESOLVED by the Council of the Township of Marlboro that under the provisions of N.J. Revised Statutes 40A:4-19, the Temporary Operating Budget -- 1971 attached hereto and made a part hereof be adopted." (copy of budget attached)

The resolution was seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #5-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the following budget transfers be made in the 1970 budget:

FROM:			
	Public Relations	\$4,900.00	
TO:			
	First Aid Organization Contribution		\$4,000.00
	Street Lighting		900.00
	Total	<u>\$4,900.00</u>	<u>\$4,900.00"</u>

Seconded by Councilman Williams. Discussion: President Brodniak explained it was Council's intention to purchase an ambulance for the First Aid Squad and lease it back to them for \$1.00 per year. He noted that \$10,000 had been appropriated by Council in 1970 for the purchase of the ambulance and that this additional \$4,000 was needed for the ambulance. Township Attorney Minogue noted that the line item "First Aid Organization Contribution" was incorrect and should read "Purchase of Ambulance". Councilman Grossman offered a motion to amend the resolution to read "Purchase of Ambulance" instead of "First Aid Organization Contribution". Motion seconded by Councilman Czerny and carried unanimously. The resolution was thereafter adopted on a unanimous roll call vote by those present.

Operating
Temporary/Budget - 1971

	<u>1970</u>	<u>1971</u>
(A) Operations		
Administrative & Executive		
Salaries and Wages	\$ 49,800.00	\$12,450.00
Other Expenses	21,000.00	5,250.00
Elections		
Salaries & Wages	300.00	-0-
Other Expenses	2,000.00	-0-
Financial Administration		
Salaries & Wages	11,500.00	4,500.00
Other Expenses	1,000.00	500.00
Annual Audit	7,500.00	-0-
Assessment of Taxes		
Salaries & Wages	12,500.00	3,125.00
Other Expenses	5,000.00	1,000.00
Collection of Taxes		
Salaries & Wages	10,500.00	3,500.00
Other Expenses	3,000.00	1,000.00
Liquidation of Tax Title Lien and Foreclosed Property		
Other Expenses	3,000.00	-0-
Legal Service & Costs		
Other Expenses	20,000.00	5,000.00
Engineering Services & Costs		
Other Expenses	30,000.00	7,500.00
Public Building & Grounds		
Salaries & Wages	3,000.00	750.00
Other Expenses	9,800.00	2,450.00
Planning Board		
Salaries & Wages	1,000.00	250.00
Other Expenses:		
Major Subdivision and Site Plan Review	2,500.00	625.00
Miscellaneous		
Other Expenses	5,400.00	1,350.00
Zoning Commission		
Salaries & Wages	6,700.00	1,675.00
Other Expenses	1,600.00	400.00
Public Relations	5,000.00	-0-
Board of Adjustment		
Salaries & Wages	1,000.00	250.00
Other Expenses	5,000.00	1,250.00
Industrial Commission		
Other Expenses	22,000.00	5,250.00
Insurance	20,000.00	10,000.00
Codification & Revision of Ordinances	9,500.00	-0-
Reviews of Master Plan, Zoning and Subdivision Ordinances	10,400.00	2,600.00
Public Safety		
Police:		
Salaries & Wages	144,300.00	38,450.00
Other Expenses	49,200.00	12,325.00
School Crossing Guards		
Salaries & Wages	3,350.00	1,650.00
Other Expenses	150.00	38.00
First Aid Organization-Contribution	20,000.00	-0-

RECEIVED

JAN 11 1971

TOWNSHIP OF MARLBORO
CLERK'S OFFICE

	<u>1970</u>	<u>1971</u>
Municipal Court		
Salaries & Wages	7,500.00	1,875.00
Other Expenses	850.00	212.00
Inspection of Buildings		
Salaries & Wages	12,500.00	3,125.00
Other Expenses	1,500.00	375.00
Civil Defense & Disaster Control	500.00	-0-
Streets & Roads		
Salaries & Wages	76,000.00	21,250.00
Other Expenses	82,000.00	33,900.00
Road Work - State Aid Formula Fund	35,000.00	-0-
Street Lighting	25,000.00	6,250.00
Sanitation:		
Sanitary Landfill	2,200.00	550.00
Municipal Utilities Authority	5,000.00	-0-
Health & Welfare:		
Board of Health		
Salaries & Wages	6,500.00	2,000.00
Other Expenses	5,000.00	1,250.00
Service of Monmouth County Office		
Social Services-Contract (R.S.40:13-1)	4,500.00	-0-
Public Assistance		
Salaries & Wages	2,000.00	500.00
Other Expenses	350.00	100.00
Public Assistance (State Aid Agreement	100.00	-0-
Aid to Hospitals	12,500.00	-0-
Recreation:		
Salaries & Wages	6,000.00	1,500.00
Other Expenses	6,500.00	1,625.00
Expenses of Participation in Free Public Library	300.00	100.00
(B) Contingent	3,265.21	
Total Operations Including Contingent	<u>\$791,065.21</u>	<u>197,750.00</u>

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #6-71

"WHEREAS, the Township received \$761.31 from its own insurance carrier for damages to a police car under the terms of the township's collision policy; and

WHEREAS, the insurance carrier for the other party involved in the accident has settled the township's claim and has paid the township the sum of \$838.06 in full settlement for said damages;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the township refund to its own insurance carrier through its agent Lester Heulitt the aforesaid sum of \$761.31 previously received under the township's collision policy."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #7-71

"BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth, that it is hereby determined that the Township of Marlboro foreclose, by summary proceedings In Rem, as provided in the In Rem Tax Foreclosure Act (1948), the tax sale certificates held by it, as listed on the attached Tax Foreclosure List."

(copy of list attached)

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered Resolution #8-71; the bill paying resolution (copy of which is attached hereto). The resolution was seconded by Councilman Williams. DISCUSSION: During the discussion that followed, the Mayor said that the vouchers had not been approved by the Director of Finance, but that Mrs. Schulman had approved same as Treasurer. Mr. Minogue noted that under the present administrative code

TAX FORECLOSURE LIST

Sch. No.	Cert. No.	Name of Owner as it appears on Tax duplicate	Descrip. of Lands as it Appears on Tax dup.	Descrip. of Lands as it appears on Cert. of Tax Sale	Date of Tax Sale	Amt. of Sale	Amt. of Tax Liens Accruing subj. to tax sale inc. pen. & costs	Amt. to Redeem	Date Recording Cert.	Book & Page in Mon. Co. Clerk's Office
1	65-2-28	Wm. Jefferson	Block 12, Lot 3	1.6 AC	10/2/65	\$139.72	\$ 717.13	\$ 856.85	12/23/65	2582 at 260
2	65-2-29	Wm. Jefferson	Block 12, Lot 8	1.1 AC	10/2/65	147.48	802.03	949.51	12/23/65	2582 at 261
3	65-2-33	Harry Lainy	Block 16, Lot 1	1 Lot	10/2/65	936.60	6,946.56	7,883.16	12/23/65	2582 at 265
4	65-2-38	Edelstein	Block 21, Lots 21 & 22	1 Lot	10/2/65	453.20	2,731.32	3,184.52	12/23/65	2582 at 270
5	65-2-43	Owner Unknown	Block 26, Lot 27	1 Lot	10/2/65	57.33	186.07	243.40	12/23/65	2582 at 273
6	65-2-44	Patrick Smith	Block 26, Lot 28	1 Lot	10/2/65	56.93	182.81	239.74	12/23/65	2582 at 274
7	65-2-46	Unknown Owner	Block 26B, Lot 3	1 Lot	10/2/65	132.77	401.98	534.75	12/23/65	2582 at 276
8	65-2-52	Orland Prop. Inc.	Block 37, Lot 8A	10.4 AC	10/2/65	138.21	1,195.80	1,334.01	12/23/65	2582 at 280
9	65-2-53	Evelyn Baker	Block 37, Lot 34	1.7 AC	10/2/65	42.56	390.15	432.71	12/23/65	2582 at 281
10	65-2-54	Evelyn Baker	Block 37, Lot 40	6.2 AC	10/2/65	112.29	923.71	1,036.00	12/23/65	2582 at 282
11	65-2-56	Wm. Alexander	Block 38, Lot 12	5.5 AC	10/2/65	81.22	550.24	631.46	12/23/65	2582 at 284
12	65-2-57	Rob't. Matthews	Block 39, Lot 4	4.1 AC	10/2/65	35.95	328.57	364.52	12/23/65	2582 at 285
13	65-2-78	Edw. G. Coniff	Block 56, Lot 45	2.8 AC	10/2/65	80.43	825.15	905.58	12/23/65	2582 at 304
14	65-2-85	Ellen Halligan	Block 94, Lot 15	1 Lot	10/2/65	233.62	1,446.39	1,680.01	12/23/65	2582 at 310
15	66-8	Jas. & Elinor Farrell	Block 27, Lot 28B	1 Lot	11/19/66	86.87	566.22	653.09	12/8/66	2632 at 445

16	66-7	Orland Prop. Inc.	Block 22, Lot 42	26.6 AC	11/19/66	779.96	2,314.75	3,094.71	12/8/66	2632 at 444
17	66-13	Owner Unknown	Block 38, Lot 8	1 Lot	11/19/66	15.30	220.94	236.24	12/8/66	2632 at 450
18	66-16	Owner Unknown	Block 53, Lot 48A	4.6 AC	11/19/66	218.76	1,325.54	1,544.30	12/8/66	2632 at 453

RESOLUTION #8-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<i>Wallington Body Co. Inc.</i> Morganville First Aid Squad	<i>Purchase of</i> Contribution for Ambulance		\$14,000.00
Leon S. Avakian, Inc.	Retainer, Dec. 1970		200.00
H. Barry Shultz, Esq.	Retainer, Dec. 1970		200.00
Howard M. Schoor	Retainer, Dec. & add'l services.		300.00
N.J. Bell Telephone Co.	Police - Nov 19- Dec 18	182.45	
	Library- to Dec 18	7.30	189.75
N.J. Natural Gas Company	11/19-12/19 - 497821		144.40
Paul L. Linnett & Co.	Desks & supplies	847.00	
	Copy paper	23.60	
	Time Cards	9.00	879.60
A&A Coffee Service	Coffee Kit Jan 6, '71		24.00
Municipal Clerks Assoc. of N.J.	Membership Dues & Ins. Prem Clerk & Dep. Clerk		55.00
Pleasant Valley Inn	Christmas Luncheon		79.83
Xerox Corporation	Paper		71.40
North Jersey Photocopy Supply	Replica Toner for Xerox		33.10
Asbury Park Press, Inc.	Legal Advertising		179.62
Middlesex County Publ. Co.	Fall Clean-up notice	33.60	
	Fall Clean-up notice	36.00	69.60
A.R. Meeker Co.	Mimeo paper		71.70

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Paul Alterman	Sanitation Study		10.27
N.J. State League of Mun.	Membership Dues 1971		180.00
Bayshore Stationers, Inc.	Legal Folders	40.68	
	Payroll Sheets	9.85	
	Paper & etc.	57.84	108.37
Moore Business Forms, Inc.	Payroll Checks		327.34
Kepwel Spring Water Co.	25 Gallons water Nov.	7.50	
	20 Gallons water Dec.	6.00	13.50
Marlboro Waxing Service	Janitorial Serv Nov-Dec)	4.00	
	Floor Cleaning Dec 5, 27)	29.00	73.00
The Freehold Transcript, Inc.	Public Notice Master Plan		42.00
N.J. Division of Pensions	Administrative Fee		44.50
Lester M. Heulitt	Insurance- Policy # FR-147	302.47	
	Endor for Spreader & Amend Endorsement	211.00	
	Bond No S 07-62-11 & Bond No S 51-86-35	191.00	704.47
E.W. Ranson	Insurance #GIA3757456	28.66	28.66
William Quinn Co.	4 Trooper guns		454.40
Usher Publishing Co.	Case Jackets for summons		26.25
Atlantic Glass Co.	Glass for Police Trailer		113.00
Toms Ford Inc.	C5AZ kits	5.03	
	Lamps	18.52	23.55
Bobs Auto Electric	Generator Repair		19.50
Wickatunk Garage	Balance wheels		8.00
Al Storer Trucking	Plow Snow Whittier Oaks		231.00
Millhurst Mills Inc.	Threaded Rod		9.84
Colot's Service	Tires & Tubes		651.40
C. H. Roberson, Inc.	Chains & Hooks		84.65
Kem Manufacturing Corp.	35 Gl. Slick		227.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
International Salt Co.	Bulk Ice Control		470.25
Lyncar Corporation	Sand		514.65
Western Auto	Weather stripping		2.33
Manzo Contracting Co.	Cold-patch 12/2-12/15	778.80	
	Cold-patch 11/19-11/24	226.89	1005.69
Sprague's Oil Service Inc.	Gas-11/5 - 11/30 St & Rds		354.22
Cummins Diesel Metropolitan	Overhaul St & Rds		2037.18
West Publishing Company	N.J. Statutes annotated Health		4.50
Brown Publishing & Printing	Supplies Sets Pub. Assistance		17.00
Pantry	Coke - Recreation		50.40
Mc Donalds	Hamburgers - Recreation		150.00
Drew-Pore Inc.- Carvel	Flying Saucers - Rec.		36.00
Marlboro Bd of Ed	paper supplies - Rec.		28.25
Willoughby-Peerless Film Lib.	Rental of Cartoon Prog. Rec.		12.50
Charles J. Hodges III	Musical entertain. Rec.		60.00
Freehold Dairy Inc.	Orange Drink		27.00
Ryan Bros.	Balloons Rec.	8.00	
	Toys Rec.	26.44	
	Paper Rec.	11.59	46.03
Middlesex Tobacco & Conf. Co.	Pops Rec.		37.80
Sayrewoods Camera House	Repair Sound Projector		36.00
Florence Voorhies	Drapes for Library		20.25
N.J. State Dept of Health	Dog Tags issued		34.50
Edward Usher Co.	Dog Tags purchased		148.74

Total

24,971.99

Offered by: *Czyrny*

Ayes: 4

Seconded by: *Williams*

Nays: 0

The above resolution was adopted this 14th day of January, 1971.

Mildred F. Ackerman *Joseph A. Brodniak*

MILDRED F. ACKERMAN, CLERK

JOSEPH A. BRODNIAK, COUNCIL PRES.

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The Director of Finance and Treasurer must be the same person and said he had written an opinion letter to the Mayor regarding the subject. Councilman Grossman asked that the administrative code be amended to provide for the position of Treasurer.

Pres. Brodniak instructed that it be stated in the record that these vouchers will be checked by the Director of Finance and the bills will not be paid until after his approval has been given. The Mayor then read a letter from the Director of Finance dictated in Johnson City, Tenn at 3 P.M. on 1/14/71 requesting a change in the administrative code authorizing a full time Treasurer and a separate part time Director of Finance. The Mayor stated that Mr. Rotheim was out of town and therefore unable to sign checks and that the Board of Education had requested a check for \$145,000 be expedited for teachers' salaries and that it must be signed by Mr. Rotheim. Pres. Brodniak pointed out that even if the Council were to introduce an ordinance this evening that it would not become effective until after the next council meeting. Mr. Minogue suggested an Acting Director of Finance be appointed in Mr. Rotheim's absence. The resolution was thereafter adopted unanimously by those present on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #9-71

"BE IT RESOLVED by the Council of the Township of Marlboro that its regular meeting of January 14, 1971 be continued to Thursday, January 21, 1971 at Central School, Route 79, Marlboro Township, at 8 P.M."

Seconded by Councilman Czerny and adopted unanimously by those present on a roll call vote.

At this point, the Chair declared a recess. The meeting was called back to order at 9:50 P.M. Pres. Brodniak explained that the meeting will be continued to January 21st because that date was advertised as the public hearing date for the zoning ordinance. However, due to a conflict in the use of the school facilities on January 21st, the public hearing would be continued from January 21st to January 29, 1971.

ACTION ON MINUTES: Action on approval of minutes was withheld until the next council meeting.

COMMUNICATIONS:

1. Communication received December 29, 1970 from Monmouth County Shade Tree Commission requesting Marlboro Township appoint a Gypsy Moth Control Program Representative.
2. Copy of letter dated January 5, 1971 from N.J. Department of Transportation regarding speed limits on Old Texas Road.
3. Letter dated December 28, 1970 from Wittman, Anzalone & Bernstein, Esqs. objecting to the proposed zoning ordinance on behalf of Messrs. Stickney, Byrnes & Foody, owners of property on Route 79.
4. Notice received from State Department of Transportation dated January 6, 1971 regarding their office relocation to 1241 Parkway Avenue, Ewing Township, N.J.
5. Report of Building Inspector for month of December.
6. December report of Welfare Director.
7. Certificate of Revaluation of public utilities for year 1971 from N.J. Department of the Treasury.
8. Copy of letter dated January 7, 1971 from Dept. of Civil Service recommending that Building Inspector Savoie be paid additional compensation to reflect additional hours employed.
9. Township Calendar.

Following the reading of the above communications, the Mayor announced that he had already appointed Mr. Edward Haymes, Emerson Road, Morganville, as Marlboro Township's Gypsy Moth representative. He said that it was his intention to name Mr. Haymes as Chairman of the Marlboro Township Shade Tree Commission when formulated.

MAYOR'S REPORT:

The Mayor acknowledged receipt of a letter addressed to Mayor and Council dated January 6, 1971 from Reverend 1/14/71

050

Carroll B. Hall regarding the boundary between Matawan Borough and Marlboro Township.

Mayor Salkind also acknowledged receipt of a letter from Municipal Court Judge regarding the appointment of the Judge by Council. The Mayor said he would have copies of the letter made available to Council.

He acknowledged receipt of letter from Mr. Dugan enclosing copy of the 1971-1972 School Budget and notice in conjunction with the public hearing on the school budget.

Noted receipt of letter dated January 14, 1971 from Tax Assessor Joseph LaMura recommending that the revaluation be deferred until 1972.

Distributed copies of Mr. Rotheim's letter requesting the position of full time Treasurer and requested Council to introduce such an ordinance this evening.

Acknowledged receipt of letter from Mr. Storer advising us that he will accept \$2,400 for township's use of dump on Saturdays from 8 A.M. to 12 noon.

Acknowledged receipt of Investment Report dated January 14, 1971 from Director of Finance indicating a total of \$1,583,311.23.

The Mayor announced he had available the library statistics and the Road Department report for those interested.

Noted receipt of letter from Rabbi Jack M. Rosseff of the Congregation B'nai Israel in Rumson thanking the Mayor for his attendance at the New Years Day services; and announced he had also represented the Township at similar services in Matawan last Sunday.

Noted Tax Collector's report for month of December, 1970 showing receipts of \$113,657.39.

Acknowledged receipt of letter addressed to Mayor and Council from P.B.A. statewide advocating delegates of P.B.A. to Monmouth and Ocean Counties and advising a minimum yearly salary of \$11,000 for experienced police.

1/14/71

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051

The Mayor noted receipt of letter from Manalapan Township addressed to Mayor and Council inviting Mayor and Council to meet with them on January 20th at 8:30 P.M. in the Manalapan Municipal Building to discuss our mutual sewerage problems relative to the acquisition of the Pine Brook Sewer Co..

The Mayor distributed copies of his proposed budget to Council, together with his cover letter to Council dated January 14, 1971, and said work sheets as left by the Business Administrator would be distributed to Council the next day. He noted Mr. Hartnett's absence from the municipal offices since December 31st, and said that as soon as he returned to work he would instruct Mr. Hartnett to make himself available to Council for consultation. The Mayor stated that for the record the sum total of his budget was \$922,299, as compared to Mr. Hartnett's budget recommendation of \$1,000,906, a reduction of approximately \$78,000. He noted that the bulk of the increase was for salaries and wages due to the cost of living increases and negotiations under way for police and road department salaries.

After the completion of the Mayor's report, President Brodniak recognized Mr. Paul Alterman, Chairman of the Sanitation Study Committee, and asked him to comment on the very fine report submitted by the Committee comprised of Messrs. Alterman, Bernard T. Barish, John G. Bergman and Richard Herman. Pres. Brodniak complimented the entire committee on their excellent work.

Mr. Alterman explained how and what the committee had done to gather their information in order to make a proper determination of the problem. He explained they had gathered information from various municipalities as well as County, Federal and State sources, had sent out confidential questionnaires and had conducted a seminar attended by representatives from other Monmouth County municipalities and State, Federal and County officials. The committee conducted detailed time cost studies and made the final determination that the current system of individually contracted solid waste removal be retained for the present. Mr. Alterman noted that only the State

Public Utility Commission had the power to set rates for garbage collection and this could not be controlled by local ordinance.

It was the Committee's opinion that the Township Council should formulate a committee to continue the study, to work with surrounding communities for a regional disposal system and to maintain continuing dialogue.

Mr. Dick Herman, a member of the Committee, spoke briefly about the benefits of regionalization and said the state's plan for regionalization calls for a continuing dialogue between county, state and municipalities, and in that connection asked Council to appoint such a committee to maintain this dialogue so that when the state's plan is implemented we will be in an advantageous position to go into municipal collection and to participate in the regional plan.

President Brodniak again complimented the members of the Committee for their fine work and called for a motion that those gentlemen who served on the original committee continue to be a committee to serve as liason between Council and the regional authorities. Motion was so offered by Councilman Grossman and seconded by Councilman Czerny. Pres. Brodniak noted the committee was working shorthanded, with only four members, and said if the committee would like to recommend another member to Council, Council would be glad to honor their suggestion. The motion was thereafter carried unanimously on a roll call vote by those present.

After a short public session, Councilman Williams offered a motion to continue the meeting to January 21, 1971. Motion seconded by Councilman Czerny and carried unanimously.

The meeting adjourned at 11 P.M. - to be continued January 21, 1971.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Mildred F. Ackerman
MILDRED F. ACKERMAN, Clerk

MINUTES APPROVED: 5/27/71

1/14/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

CONTINUED MEETING OF JANUARY 21, 1971
(Continued from January 14th, 1971)

The continued meeting of the Council of the Township of Marlboro was called to order by Council President Joseph A. Brodniak at 8:02 P.M. on Thursday January 21, 1971 at Central School.

ROLL CALL: Present: Councilmen Lawrence Grossman, John J. McLaughlin, Judith Czerny and Joseph A. Brodniak

Absent: Councilman John H. Williams

Also present was Township Clerk Mildred Ackerman.

The Chair called for a motion that the public hearing on the Zoning Ordinance (Ordinance #23-70) scheduled to be heard this evening be adjourned until 8 P.M. Friday evening, January 29, 1971, at Central School.

So moved by Councilman Grossman, seconded by Councilman McLaughlin and carried unanimously by those present on a roll call vote.

There being no further business to conduct, Councilman McLaughlin moved to adjourn the meeting. Seconded by Councilman Grossman and carried unanimously on a roll call vote by those present.

The meeting adjourned at 8:04 P.M.

Joseph A. Brodniak
Joseph A. Brodniak
Council President

Mildred D. Ackerman
Mildred Ackerman
Clerk

Minutes approved: *May 27, 1971*

1/21/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF JANUARY 28, 1971

The regular meeting of the Council of the Township of Marlboro was called to order on Thursday evening, January 28th, 1971, by Council President Joseph A. Brodniak at 8:09 P.M. at Central School.

Following the moment of silence and salute to our flag, the Clerk called the roll.

ROLL CALL: Present: Councilmen Czerny, Grossman, McLaughlin and Brodniak

Absent: Councilman Williams

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue and Clerk Mildred Ackerman.

Council Pres. Brodniak then reviewed the agenda.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #10-71

"WHEREAS, it has come to the attention of the Council that proposed Route 18 Freeway will be constructed along the northerly line of existing residential subdivisions located between Tennent Road and a point approximately 300 feet east of the brook which lies east of Prince William Road; and in the vicinity of Jacata Road, Collingwood Road, Farrell Lane, Amherst Road and Dixon Road in the subdivision known as Monmouth Heights; and

WHEREAS, the New Jersey Department of Transportation plans to erect a 6 foot high chain link fence along the

right-of-way line between said areas and the right of way;

WHEREAS, the Council deems it necessary that additional protection to the adjoining property owners should be provided;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the Council go on record as expressing its desire that the New Jersey Department of Transportation provide complete chain link fencing along the aforesaid subdivisions and well beyond said subdivisions and that landscape screening be provided by the Department and placed on the right of way immediately adjacent to the chain link fencing in order to block and screen the highway from the view of the residents of the adjoining subdivisions;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded by the Clerk to Mr. James Hamilton, Assistant Director of the Division of Design, Department of Transportation, 1035 Parkway, Trenton, New Jersey."

Resolution was seconded by Councilman Grossman and carried unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #11-71

"WHEREAS, a major subdivision map known as "U.S. at Marlboro East, Section 18, dated August 1966" received final approval and has been filed in the Monmouth County Clerk's Office; and

WHEREAS, to secure the installation of improvements in said subdivision, the Township holds a performance bond issued by U.S. Home & Development Corporation as owner and the Summit Fidelity & Surety Company, Columbus, Ohio, as surety, Bond No. SQ 4785; and

WHEREAS, a portion of proposed Route 18 Freeway, Section 8 passes through a portion of the lands included in said subdivision which, in effect, will make Prince William Road, Sudbury Road (former Storer Road) and Hallifax Drive (formerly Creevy Drive) dead-end streets; and

WHEREAS, the Council is of the opinion that revisions of said subdivision are required in the interest of the safety of the travelling public and for the purposes of good planning; and

WHEREAS, the Township Engineer has prepared a sketch dated January 15, 1971 proposing the realignment of a portion of Sudbury Road and Hallifax Drive so that the two may be connected at Lot 11, Block 51E and showing a cul-de-sac at Lots 15 and 16 in Block 51F at the end of Prince William Road;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that U.S. Home & Development Corporation, the owner of said subdivision and the aforesaid surety company show cause before this body at a hearing to be held on February 11, 1971 at 8:00 P.M. at Central School, Highway 79, Marlboro, New Jersey, why said owner should not be required to file an amended subdivision map in accordance with the aforesaid recommendations of the Township Engineer and why the cost of the improvements required in connection with said changes should not be included within the terms of the aforesaid performance bond held by the Township of Marlboro;

BE IT FURTHER RESOLVED, that pending a decision by the Council after the aforesaid hearing, that building permits on Lots known as Block 51E, Lot 11 and Block 51F, Lots 15 and 16 on the aforesaid subdivision map be and the same are hereby revoked;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded by certified mail to U.S. Home & Development Corporation, to Summit Fidelity & Surety Company of Columbus, Ohio and to the Building Inspector of the Township of Marlboro."

Seconded by Councilman Grossman. Discussion: Councilman McLaughlin suggested the Building Inspector call upon U.S.

Homes and insist that some sort of protective fencing be placed around the excavations and foundations. The Mayor said Mr. Savoie would do so and report back to the Mayor on Monday. The resolution was thereafter adopted unanimously on a roll call vote by those present.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #12-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to defend the Township Council and the Township against a civil action brought in the Superior Court of New Jersey, Law Division, Monmouth County (Docket No. L-14134-70 P.W.) by U.S. Home & Development Corporation."

Seconded by Councilman Czerny and adopted unanimously by those present on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #13-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the applications for renewal of the following Trailer Coach Park Licenses be and the same are hereby approved for the calendar year 1971:

Wickatunk Village, Inc., R.D. No. 1, Morganville, N.J.
Thomas J. Walsh (Midway Mobile Home Court)
R.D. 1, Bartram Road, Englishtown, N.J.
Walter Ashmont (Robertsville Mobile Park)
R.D. 1, Box 206, Highway 9, Englishtown, N.J.
approving the existing park as shown on
Map 1 of the application.

BE IT FURTHER RESOLVED that the Clerk be authorized to issue 1971 Trailer Coach Park licenses to the above firms upon the payment of the fee as provided in the Trailer Coach Park Ordinance."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #14-71

"BE IT RESOLVED by the Council of the Township of Marlboro that J. Edward Tilton be and he is hereby appointed a member of the Municipal Utilities Authority for a period of five years commencing February 1, 1971."

Seconded by Councilman Grossman and carried unanimously on a roll call vote by those present.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #15-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Mayor's appointments of Herbert Schlesinger and Dr. Oscar Schimensky to the Advisory Health Council be and the same are hereby confirmed."

Seconded by Councilman Czerny. Discussion: The Chair called for a motion to withdraw Dr. Schimensky's name temporarily due to the fact that Council had not had an opportunity to meet the Doctor. Motion was so moved by Councilman McLaughlin and seconded by Councilman Czerny. During the discussion on the motion, Councilman Grossman said the fact that Dr. Schimensky was a doctor was very important. Councilman McLaughlin agreed with Councilman Grossman and said that Council would like to meet Dr. Schimensky and make sure that he would have sufficient time to devote to the Health Council. The motion was carried with Councilman Grossman abstaining.

Resolution #15-71, was thereafter adopted unanimously on a roll call vote by those present.

Councilman McLaughlin then offered the following resolution and urged its adoption:

RESOLUTION #16-71

"WHEREAS, under Chapter 86, P.L.1967 (27-13A-1 et seq.) the Commissioner of Transportation is authorized to establish a State Aid Road System and allocate funds appropriated and

made available to the Department of Transportation to the several counties and municipalities for the construction, reconstruction or improvement of county and municipal roads designated as State Aid Roads included in the State Aid Road System.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that an application be made to the Commissioner of Transportation for aid under said Act in the sum of \$65,550 for the construction, reconstruction or improvement of that section of road known as Newman Springs Road (Route 520) from 500' east of Route 9 to 2800' east of Route 9 and from 1500' west of Wyncrest Road to 1500' east of Wyncrest Road in the Municipality of Marlboro Township, County of Monmouth, State of New Jersey for a distance of one (1) mile (or such portion thereof as may be approved by the Commissioner of Transportation).

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Czerny then offered the following resolution and urged its adoption:

RESOLUTION #17-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the following budget transfers be made in the 1970 budget:

FROM: Administrative & Executive S & W	\$700.00	
TO: Legal O.E.		\$400.00
Engineering		300.00
	<u>\$700.00</u>	<u>\$700.00</u>

Councilman Grossman offered Resolution #18-71, the bill paying resolution, copy of which is attached hereto and made a part hereof. The resolution was seconded by Councilman McLaughlin and carried unanimously by those present on a roll call vote.

Councilman Czerny then offered the following resolution and urged its adoption:

RESOLUTION #18-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Mildred Ackerman	Stamps Admin OE		\$ 240.00
James R. Minogue Esq.	Dec. Legal OE		2454.35
Leon S. Avakian Inc	Insp. Dec. Holiday North	92.90	
	Insp. Dec. U.S. Homes	1798.90	
	Insp. Dec. Levitt	631.00	2522.80
W. Lawrence Krusen	Legal Serv. Bd of Adj. OE		120.00
N.J. Bell Telephone	Admin Exec OE 1/4/71	334.65	
	Admin Exec OE 1/1/71	35.63	370.28
N.J. Natural Gas Co.	Bldg. & Grounds OE		4.75
Jersey Central Power & Light	Bldg & GR. OE	51.14	
	Bldg & Gr. OE	165.53	
	Street Lighting	3261.21	3477.88
Bayshore Stationers	Admin Exec OE supplies	75.55	
	Assessor OE	9.45	
	Collector of Taxes OE	4.73	89.73
Grant Printers	Map of Marl. Admin OE		245.00
Office Assistance Co.	Council letter Admin OE		84.00
I.B.M. Corp	Maint. agreemt. Admin OE		42.00
Paul L. Linnett & Co.	off. supplies Finance OE	1.51	
	" " Admin OE	46.23	
	" " Mun. Crt. OE	16.00	63.74
N.J. Conference of Mayors	Admin Exec OE annual dues		75.00
Xerox Corp.	Supplies & Usage Admin OE		100.00
Alyce Lathrop	Postage & Tel. Admin OE		12.87
Goldsmith Bros.	W-2 Tax Forms Finance OE		8.90
Monmouth Cty. Clerks Off.	Tax Sale Certificates		
	Coll. of Taxes OE		93.00
Edward Usher Co.	Tax Search Books Coll of Tax OE		14.06

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Frank C. Gibson Inc.	Repair Lavatory Bl.&Gr.OE		\$ 111.12
Howard C. Zeigler Inc.	Entrance door:balance due Bl. & Gr. OE		250.00
Spragues Oil Service	Fuel Oil Bl. & Gr. OE	60.00	
	Clean Furnace PoliceOE	27.00	
	Gasoline PoliceOE	650.81	
	Fuel Oil St.&Rds. OE	18.15	
	Gasoline St.&Rds. OE	315.45	1071.41
The Freehold Transcript	Notice Bd.ofAdj.OE		8.64
Allen Warren Assoc.	Ads,Photography Ind.Comm OE		1584.85
Metropolitan Life Ins.	Premiums (2) Police OE		138.40
Millers Cleaners	Drycleanind-Dec.'70.Police OE		65.00
V.E.Ralph &Son	repair Fire Extings. Police OE		38.50
Red the Tailor	uniforms Police OE		47.95
Ryan Bros.	Battery Police OE		5.12
Tom's Ford Inc.	Car repairs Police OE	4.63	
	" " Police OE	56.84	
	" " St.&Rd OE	22.73	84.20
Matty's Auto Parts	Auto repairs Police OE	123.55	
	St & Rd OE	117.56	241.11
Bldg.Insp.Assoc.of Mon.Cty.	AnnualDues Ins.ofBldgOE		10.00
Usher Publishing Co.	Complain-summons Mun.Crt.OE		60.35
Magnetic Dictation Inc.	Soundsciber Mun.Crt.OE		40.90
Bell Magneto Service	Auto parts St.& Rds.OE		70.68
Kenneth L. Graff	Snow removal St & Rds OE		658.30
Industrial Welding	Repairs St & Rds OE	31.51	
	" St & Rds OE	11.35	42.86
International Salt	Bulk Ice Control St & Rds	360.05	
	" " " " "	479.75	
	" " " " "	459.04	
	" " " " "	482.22	1781.06
Lyncar Corp.	Ice Control Sand St & Rds		1245.62

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Manzo Contracting Co.	Coldpatch St & Rds OE		\$293.80
Joseph A. Mazzeo	Repair radios in trucks St & Rds OE		94.00
Mechanics Uniforms	Rentals St & Rds OE		124.00
Al Storer Trucking	Snow Removal St&RdsOE 126.00 Dumping Chrg Jan. SanitOE 200.00		326.00
N.J.Recreation &ParkAssoc.	Annual Dues Recreation OE		10.00
R & R Sports Shop	Uniforms Recreation OE		753.18
Sanford's Pharmacy	First Aid Kits RecreationOE		6.87
Total			\$ 19,182.28

Offered by: *Grossman* Ayes: 4

Seconded by: *McLaughlin* Nayes: 0
Absent: *Williams*

The above Resolution was adopted this 28th day of January, 1971

Mildred F. Ackerman
Mildred F. Ackerman
Clerk

Joseph A. Brodniak
Joseph A. Brodniak
Council President

RESOLUTION #19-71

"WHEREAS, the Governing Bodies of the Townships of Manalapan, Marlboro and Freehold, and the Borough of Englishtown were requested to designate one of their members to undertake a series of conferences for the purpose of thoroughly investigating the concept of a proposed regional sewerage authority - Manalapan region, to the end of acquisition of the assets and franchises of Pine Brook Sewer Company, Inc. and the sewerage of those areas to which reference was made;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the appointment of Councilman John J. McLaughlin as Marlboro's representative to the above Committee be and the same is hereby confirmed."

Seconded by Councilman Grossman. Councilman McLaughlin said a meeting had been tentatively set for Saturday morning, February 6th, at 9:30 A.M. at Manalapan, and that he had already notified the Utilities Authority of the meeting so that he and the Utilities Authority would be well prepared to support the best interests of Marlboro Township. The resolution was adopted by those present with Councilman McLaughlin abstaining.

APPROVAL OR CORRECTION AND APPROVAL OF MINUTES:

Councilman McLaughlin offered a motion to accept the minutes of October 14, October 20, October 29 and November 12, 1970 Council Meetings. Motion seconded by Councilman Grossman and carried with Councilman Czerny abstaining.

READING OF COMMUNICATIONS AND PETITIONS:

1. Copy of letter dated 1/25/71 from Leon Avakian to Manzo Contracting Co. Inc. re Reconstruction of Various Roads, noting that certain areas on Rt. 520 were not paved property and must be corrected.
2. Letter dated 1/12/71 from John J. Moss, President of the Civil Association of Monmouth Heights in Marlboro, Inc. re regionalization of sewerage and acquisition of Pine Brook Sewer Co.
3. Noted receipt on 1/26/71 of Summons & Complaint in

the matter of U.S. Home & Development Corp. vs. Township Council and Township of Marlboro, Docket No. L-14134-70 P.W. re Zoning Ordinance Amendment - Ordinance #21-70.

4. Letter dated 1/26/71 from Borough of Englishtown Clerk designating Jacob Goldfine a member of committee studying regional sewerage authority.

5. Letter dated 1/21/71 from Township of Manalapan Clerk designating Committeemen Thomas E. Corless as their member of committee studying regional sewerage authority.

6. Letter dated 1/15/71 from Hovnanian Enterprises, Inc. requesting release of bond covering Holiday North, Marlboro Section (now Yorktowne Manor) 33 lots.

7. 1970 Annual Report from Shade Tree Commission of Monmouth County.

8. Resolution from Board of Adjustment adopted 1/5/71 denying variance to Barbara Coviello to construct a one family dwelling on premises located on Wilson Avenue, Block 26B, Lot 11.

9. Resolution from Board of Adjustment adopted 1/5/71 denying variance to Nicholas & Ann De Palma to use existing vacant portion of building for business - premises located on Route 79, Block 46B, Lot 9.

10. Resolution adopted 1/5/71 by Board of Adjustment granting variance to First Merchants National Bank, Asbury Park, to permit construction of bank building on premises located on Route 9, Lot 6-1, Block 65.

11. Report dated 1/25/71 from Leon S. Avakian re First Merchants National Bank Site Plan, recommending revisions to Site Plan.

12. Letter dated 1/19/71 from Borough of Matawan re Marlboro - Matawan Boundary.

13. Copy of letter dated 12/31/70 from Mayor Salkind to John Ackley, Chairman of the Industrial Commission designating Industrial Commission members and length of terms.

14. Letter dated 1/25/71 from Mayor Salkind recommending Herbert Schlesinger and Dr. Oscar Schimensky for terms on the Advisory Health Council.

15. Marlboro Township Calendar

Following the reading of the above communications Pres. Brodniak noted that several communications have been received regarding the proposed zoning ordinance, and that they would be read at tomorrow's public meeting. He said the Council had met with several groups throughout the town, had listened to their suggestions on the proposed zoning map and that Council found many of the meetings to be fruitful. He said many of the suggestions had given Council reason to think deeply and make some reconsiderations and improvements and that by the time the zoning map was completed, the township residents should be pleased.

Councilman McLaughlin announced that Council had intentions of making an appointment to the Zoning Board of Adjustment, but that the person they intended to interview was ill and Council would make the announcements as soon as possible.

REPORT OF MAYOR:

The Mayor introduced Mrs. Pat DeVitnick of Whittier Oaks, the judge for the township in the Christmas decorating program that was sponsored by the Mid-Monmouth Greater Freehold Chamber of Commerce. The Mayor presented the plaque and bond to Mrs. DeVitnick so that she could give it to the first and second place winners.

Report of General Fund appropriations for month ending December 31, 1970.

Noted receipt of letter from Marlboro Township PBA Secretary, Ptl. Stover, asking that the Council meet with the PBA bargaining committee as soon as possible.

Council Pres. Brodniak asked the Mayor for the proposal he had made to the Police which the Police turned down. The Mayor said he would give same to Council.

The Mayor then read a proclamation proclaiming the month of May as Red Cross Month.

Noted receipt of communication from TB Respiratory Disease Association asking that we appoint a local Air

Pollution Emergency Coordinator. The Mayor appointed Mr. A. W. Meyer to the position.

The Mayor said he had instructed the Chief of Police to attend a Management Seminar at Sea Girt, N.J.

Read the Road Division report from 1/11 to 1/22/71.

Announced the creation of AIMS (Assist Industry - Marlboro Staff) as of today, and announced the following appointments to the committee: Alan Holland, Chairman; Councilman Williams; Planning Board Chairman Goldstein; Zoning Board Chairman Stokes; Mrs. Mary Denton; Administrative Staff; Martin Rotheim, Director of Finance; Tax Assessor Joseph LaMura; John Ackley, Industrial Commission; Bernard M. Hartnett, Business Administrator - Secretary.

The Mayor said he would ask the Council to serve as ex officio members, as he would also serve, and asked all residents of the township to work to bring in large industrial ratables into the township to solve our runaway tax problem.

Councilman McLaughlin commented that Marty Payson would be well qualified to serve on AIMS and asked that the Mayor consider his possible appointment. The Mayor agreed and said that Mr. Payson had been appointed as a special advisor to the Industrial Commission and that he would be an ex officio member of the AIMS group.

Councilman McLaughlin then noted Council had only received the Industrial Commission's report several days ago, long after the zoning ordinance was put together, and said Council was also considering other changes as suggested in the report.

The meeting was opened to the public for their comments at 9:45 P.M.

Following the public session, motion to continue the meeting to 8 PM January 29, 1971 was moved by Councilman McLaughlin, seconded by Councilman Grossman and carried unanimously.

The meeting adjourned at 10 P.M., to be continued
on January 29, 1971.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Mildred F. Ackerman
MILDRED F. ACKERMAN, Clerk

Minutes Approved: 5/27/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

CONTINUED MEETING - JANUARY 29, 1971
(Continued from 1/28/71)

Council President Joseph A. Brodniak welcomed the public to the Continued Marlboro Township Council Meeting held January 29, 1971 at Central School, and at 8:20 P.M. called the meeting to order. He then led in the salute to our flag, followed by the roll call.

ROLL CALL: Present: Councilmen Czerny, Grossman, McLaughlin, Williams and Brodniak

Also present were Township Attorney James R. Minogue, Planners Bernard Blum and Nicholas Kehayas, Mayor Morton Salkind and Clerk Mildred Ackerman.

President Brodniak introduced the officials sitting at the Council table to the members of the public.

Reprints of the Zoning Ordinance (Ordinance #23-70) and proposed zoning map were made available to the public.

President Brodniak reviewed some of Marlboro Township's history and rate of growth in order that the public might have a better understanding of zoning in the township, and compared the Planning Board's Master Plan to the Council's proposed zoning map.

Councilman McLaughlin noted the display of the Master Plan Map and Proposed Zoning Map at the side of the Council table, reviewed the provisions of the zoning ordinance and noted several typographical errors in the ordinance reprints. He also noted that Council had taken the Industrial Commission's recommendations under consideration.

Pres. Brodniak announced that Council would not take any action on this ordinance this evening due to several considerations, one being that according to law any zoning ordinance must be forwarded to the Planning Board for their review and recommendation, and the period in which they have to examine the ordinance will not expire until about the 5th of February, and secondly Council will be reviewing and considering the comments made by the public and would make changes to the ordinance accordingly.

Pres. Brodniak reviewed the procedure to be used by the public during the public hearing. Before opening the meeting to the public, he asked the township clerk to acknowledge receipt of the correspondence received regarding the proposed zoning ordinance.

The Clerk announced receipt of the following:

Letter dated 1/26/71 from Jane and Frank Lucas re Colonial Delicatessen on Route 79 objecting to the zoning of their property.

Letter from Mr. & Mrs. Nicholas DePalma, Route 79, objecting to the zoning of their property.

Letter from Benko Insurance Agency dated 1/23/71 Lot 46B, Blossom Heights, objecting to the zoning of their property.

Petition received 1/29/71 from Mrs. DePalma regarding same commercial property.

Petition received from residents of Marlin Estates requesting zoning amendment re dead end streets.

Letter dated 1/26/71 from Charles Birmingham, Esq. on behalf of the Battleground Historical Society inquiring about the zoning of the parsonage on Old Brick Church property.

Letter dated 1/25/71 from Jersey Central Power & Light Co. objecting to the underground utility requirements.

Letter from Mr. & Mrs. J.Tergis dated 1/20/71 re 29 acres between Whittier Oaks East & western side of Rt.18.

Letter dated 1/26/71 from Mr. George T. Saathoff objecting to the OR zone near Topanemus Road.

Letter dated 1/14/71 from Philip Bernstein Real Estate re zoning of northwest corner of Routes 520 and 9.

Letter dated 1/20/71 from Cross of Glory Lutheran Church regarding property located on Route 79 and Orchard Parkway.

Letter dated 1/19/71 from Stout, O'Hagan, DeVito & Hertz, Esqs., regarding property at the northeast corner of Route 9 and Willow Lane.

Letter dated 1/17/71 from Happy Hours School, Route 34, Matawan, N.J. objecting to zoning on Route 79, Block 46B, Lot 5.

Letter dated 1/28/71 from Richard A. Herman, South Dutch Lane Civic Association, in favor of the zoning in the South Dutch Lane Area.

Letter dated 1/20/71 from the Township of Colts Neck approving the compatibility of our zoning.

Letter dated 1/26/71 from Monmouth County Planning Board objecting to the zoning. (The Mayor asked that this letter be read in full. Pres. Brodniak declined the Mayor's request, saying that none of the letters had been read in full due to the time factor involved)

Report from Leon S. Avakian, Township Engineer, dated January 28, 1971 re proposed zoning ordinance.

Recommendations from the Advisory Health Council under date of January 27, 1971.

Recommendations from the Industrial Commission under date of January 22, 1971.

PUBLIC HEARING: Ordinance #23-70 (The Zoning Ordinance)

Mr. Stanley Cohen, 23 Prince William Road, asked that the letter from the Monmouth County Planning Board be read in full. Pres. Brodniak said copies would be

available for the public to read.

Mr. Henry Sadowski objected to the industrial zoning of the southern end of the township, objected to the waste of acreage taken up by the Marlboro State Hospital and said all we will have was a large national park and that taxes would go up.

Mr. James F. Byrne, 29 Prince William Road, said he was a New York attorney and objected to the OR zone abutting his development as well as the light industrial zone, saying he had moved to Marlboro because of its rural character. He also was concerned about possible air pollution resulting from the highways and industrial zones. He complained about the present watering restrictions and objected to more homes being permitted while a water shortage existed.

Mr. Robert French, Past President of the Monmouth Heights Civic Association, read a letter addressed to Council objecting to the OR zone near the Monmouth Heights development.

Mr. Dick Harris, 32 Regina Road, Whittier Oaks East, asked if he could read in full the letter from the Monmouth County Planning Board objecting to the zoning. Pres. Brodniak said he recognized the political overtones and read the letter in full to the public.

Mr. Harris objected to the OR zone directly abutting Whittier Oaks East and said that although the township had been protected against additional housing coming into town in the past eight years, that nothing had been done so far as getting industrial ratables, which are needed for a better tax rate. He objected to the ten acre minimum in the industrial zone.

Mr. Spencer Halper, 11 Sudbury Road, Whittier Oaks East, said he questioned the wisdom of the OR zone and asked that the area directly behind his home in Whittier Oaks East off Church Road be zoned so that a street could not go through their back yard. He asked that a buffer area of about 150 - 200 feet of trees be placed between the OR zone and the developments. He questioned if the Board of Health had been contacted as to whether or not the proposed Route 18 might pollute the air and said a

municipality had the right to stop highway construction if this was so. The Mayor said the letter had already been sent. Mr. Halper then said he thought the OR zone should be continued on Tennent Road.

Mr. John Tergis, Gordons Corner Road, said he owned a thirty acre farm to be bisected by Route 18 near Whittier Oaks East and said he was opposed to the ordinance. He said it would not preserve open spaces, that it was an expensive plan, that he was opposed to the OR zone. He favored residential zoning of his property.

Mrs. Alyce Lathrop, Pleasant Valley Road, spoke in favor of the Pleasant Valley Preservation Area of 5 acres as recommended by the Planning Board, and asked Council to reconsider the zoning in that area.

Mrs. Elaine Karp, 23 Halifax Drive, spoke of the R-20 zone near Church Road, Halifax Drive & Floyd Wyckoff Drive, and objected to the possibility of a road being built as mentioned earlier by Spencer Halper. Mrs. Karp presented Council with a petition signed by residents requesting that this zoning be changed to protect the residents living in the area.

Mr. Marty Borell, Girard Street, said he objected to industry near his home and thought it should be zoned residential or OR, but not light industry.

Mr. John O'Mara said he was an attorney representing Mr. and Mrs. Kenneth Hayes, Gordons Corner Road. He said the Hayes property is currently zoned residential and objected to the property being placed in the proposed OR zone.

Mr. James Denton, Chairman of the Industrial Commission, read a letter to Council dated 1/22/71 objecting to the proposed industrial zoning setting forth the Industrial Commission's recommendations. Mr. Denton said he wanted to go on record as being opposed to the industrial development, especially as to lot sizes and percentage of coverage. He said he wanted to see the industrial zone brought back in the southern portion of town as it was in the Master Plan as that was where he thought the municipally owned industrial park should be located.

Mr. Jacob Cohen, 7 Hill Circle, said he wanted to repeat what was said earlier about the critical water situation and said the R-60/40 zone would overtax the existing water facilities. He spoke about a recent newspaper article regarding zoning litigation in New Jersey and asked Council to reconsider the zoning ordinance and to adhere to the advice of citizens in town.

Miss Gertrude Neidlinger said she was the owner of a land holding in Wickatunk along with her brother Travers Neidlinger, and read a letter objecting to the light industrial zoning of her land on Pleasant Valley Road.

Mr. Everett Hirsch, Riley Road, Vice Chairman of the Industrial Commission, asked whatever happened to the thirteen page report which had been prepared by the Industrial Commission last November. Council Pres. Brodniak replied the Council had only received copies of the report on January 25th after repeated requests for same.

Mr. Hirsch said the neighborhood commercial zone on the corner of Route 520 and Gordons Corner Road should be removed. He proposed the town go from 30% coverage to 50 to 60% density coverage in the industrial sites in order to be competitive with all the towns in Monmouth County and Middlesex County. He said 90% of the communities are giving between 45 and 60%, and said he would like to see the OR zone reduced from 3 acres to 1½ acres.

Miss Edna Netter said she was an industrial realtor on Dutch Lane Road, and said she was glad to see Council is considering lowering the acreage required in the industrial zone. She said the township has the potential to attract large industries but that we must stop the adverse publicity going into the newspapers.

Mr. George Ruzicka, Wendy Lane, Marlboro, read a letter from the South Dutch Lane Civic Association agreeing with Council's zoning of the southeastern section of the township. Mr. Ruzicka disagreed with John Tergis' statements regarding open spaces.

Mr. Jerry Sokol, an attorney having offices at 76 West Main Street, Freehold, represented Mr. and Mrs. Antonio Riobo who own land in the Wickatunk area near the railroad tracks. He asked that their property be rezoned commercial as it was so zoned when his clients bought the property.

At this point in the meeting a recess was called. The meeting was called back to order at 10:58 P.M. at which time President Brodniak said it was necessary for him to leave the meeting to go to work. He turned the Chair over to Councilman McLaughlin.

Mr. Bill Mechmann, Carleton Place, Whittier Oaks East, urged Council to consider the remarks of the attorneys who spoke this evening as well as the points made by Mrs. Lathrop, Miss Neidlinger and Miss Netter. He objected to the OR zone because he said it violated sound planning principles as it abutted Monmouth Heights and Whittier Oaks East and was contrary to Judge Simmill's recommendation. He urged Council and Planning Board agree on planning and that Council modify the proposed zoning map.

Mr. Dick Previte, Whittier Oaks, said in many ways he agrees with the zoning map as presented and Council's decision regarding the blending OR zone, which he thought was in agreement with Judge Simmill's directive. He agreed the township needs industry and hoped the changes made by Council would attract industry.

Mr. Robert Krill, 28 Harrington Terrace, objected to the transition of LI to R-20 in the Marlboro Gardens area, saying the area had great potential for park sites.

Mr. Richard Kaplan, Halifax Drive, objected to the R-20 zone near Halifax, Sudbury & Church Road, agreed with the petition submitted by Mrs. Karp earlier in the evening, and suggested medium density be considered for that zone. He said the Planning Board and Council should work together and that 5 acre zoning in the Pleasant Valley area would be defensible in court.

Mr. Herbert Schlesinger, Whittier Oaks, read a statement which he said he prepared himself, stating that

it was his considered opinion that the zoning ordinance is detrimental to the township. He objected to the OR zoning, saying this type of industry is rare in Monmouth County and said no provisions had been made for small or moderate industry. He said the cluster type zoning in the industrial area was too restrictive and would not invite industry. He said Council must reconsider and conform to the master plan.

Mr. Anthony Eckel, Tennent Road, objected to the zoning in the township.

Mrs. Joyce Altunian, 9 W. Francis Avenue, read a statement on behalf of residents of Marlin Estates thanking the Council for their recent concern and efforts in their area.

Mr. John Fiorino, Route 34, Matawan, said he was an owner of property in town and one of the litigants in the zoning case. Mr. Fiorino read excerpts from Judge Simmill's directive, said Council had now zoned his land from residential to OR and asked if that was acting in good faith.

A spokesman for the Monmouth Heights Civic Association said their Association had a meeting this evening to hear the candidates for the School Board speak. He said many residents of Monmouth Heights wanted to be at Council's meeting but could not, and asked that the meeting be continued so that these people would have an opportunity to speak.

A motion to continue the public hearing to February 5, 1971 at 9 P.M. at Central School was moved by Councilman Grossman, seconded by Councilman Williams and carried unanimously.

The meeting adjourned at 11:40 P.M., to be continued to February 5, 1971.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Mildred F. Ackerman
MILDRED F. ACKERMAN, Clerk

MINUTES APPROVED: 5/27/71
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COUNCIL OF THE TOWNSHIP OF MARLBORO
SPECIAL MEETING OF FEBRUARY 3, 1971

The special meeting of the Council of the Township of Marlboro was called to order at 8:04 PM on February 3, 1971 in the Music Room of Central School. Mayor Morton Salkind read the following notice dated February 1, 1971:

"In accordance with the request of your Council President and under the provisions of N.J.S.A. 40:69A-179, I, Morton Salkind, Mayor of the Township of Marlboro, do hereby call a special meeting of the Township Council, commencing at 8:00 P.M., Wednesday, February 3, 1971, at the Central School Music Room, for the purpose of consideration and adoption on first reading of an ordinance authorizing the purchase or condemnation of property located in the Township of Marlboro for a Municipal Office-Civic Center site.

Your attendance is requested"

The salute to our flag followed the reading of the above notice.

ROLL CALL: Present: Councilmen Czerny, Grossman,
McLaughlin and Williams.

Absent: Council Pres. Brodniak

Also present were Mayor Salkind, Attorney Joseph Grabler (filling in for Township Attorney Minogue) and Clerk Mildred Ackerman.

On motion by Councilman Grossman, seconded by Councilman Czerny and carried with Councilman McLaughlin abstaining, Councilman McLaughlin was appointed Acting Council President for the meeting in the absence of Pres. Brodniak, who was at work.

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Acting Pres. McLaughlin explained the meeting had been called at the request of Pres. Brodniak for the sole purpose of introducing an ordinance to provide for the acquisition of lands to be used for the municipal complex. He announced a committee would be formed consisting of Councilmen Grossman, Williams and Czerny and Business Administrator Hartnett to assist the architect in the formation of a workable, economical plan, and that subcommittees would be organized as duties and responsibilities are made more definitive.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #20-71

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

Ordinance #1-71

AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FOR USE AS A SITE FOR A MUNICIPAL BUILDING AND OTHER MUNICIPAL PURPOSES IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$77,000 FROM THE CAPITAL IMPROVEMENT ACCOUNT AND THE CAPITAL IMPROVEMENT FUND TO FINANCE THE COST THEREOF

be introduced and passed first reading and that the same be published in the Asbury Park Press on Tuesday, February 9, 1971 with the notice required by law and that the same be considered for final passage on February 25, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that said ordinance be referred to the Planning Board for review and recommendation pursuant to statute."

Seconded by Councilman Williams.

Discussion: Councilman Grossman offered an amendment to the resolution as follows:

"BE IT FURTHER RESOLVED that the Council of the Township of Marlboro request the Planning Board to direct that their attorney make application to the Court to try the estoppel portion of the suit brought by Marlboro Improvement Corp. as soon as the Court will allow such procedure."

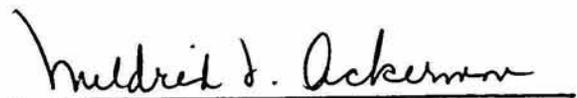
Motion seconded by Councilman Williams. During the discussion on the motion, Councilman Grossman said if the Planning Board can get the estoppel portion of the litigation tried within the next month or so, we would know better where we stand and so would the litigants. He said if the township wins the case there might be an appeal, but at that point the litigants might talk about selling, and if the litigants win the case, the site would be donated (and 91 homes built) and we would be faced with whether or not it would be worthwhile for us to appeal the case. Councilman McLaughlin stressed his concern that the property be acquired as quickly as possible without any further delay by condemnation if necessary. He said a delay would not be in the best interests of the town. The Mayor spoke in favor of the amendment to the resolution and said he did not feel the town would suffer by 91 homes being approved and said it would be to the best interests of the town for the Council to settle the case.

The motion was carried unanimously on a roll call vote, and the resolution as amended was thereafter carried unanimously on a roll call vote by those present.

The special meeting was adjourned on motion by Councilman Czerny, seconded by Councilman Grossman and carried unanimously.

The meeting adjourned at 9 P.M.


JOHN J. McLAUGHLIN, Acting
Council President


MILDRED F. ACKERMAN, Clerk

(Minutes approved: 5/27/71)

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COUNCIL OF THE TOWNSHIP OF MARLBORO

CONTINUED MEETING - FEBRUARY 5, 1971
(Continued from 1/29/71 and 1/28/71)

The continued meeting of the Council of the Township of Marlboro was called to order on February 5, 1971 at 9 P.M. in Central School, Marlboro Township.

ROLL CALL: Present: Councilmen Czerny, Grossman and Williams
Absent: Council Pres. Brodniak and Councilman McLaughlin.

Also present was Clerk Mildred Ackerman.

Councilman Grossman moved to continue the public hearing on Ordinance #23-70, The Zoning Ordinance, to February 11, 1971. Motion seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

Councilman Grossman then moved to adjourn the meeting until February 11, 1971 at 8 P.M. in Central School. Motion seconded by Councilman Czerny and carried unanimously on a roll call vote by those present.

Meeting adjourned at 9:02 P.M., to be continued on February 11, 1971.

Joseph A. Brodniak
Joseph A. Brodniak,
Council President

Mildred F. Ackerman
Mildred F. Ackerman,
Clerk

Minutes approved: 5/27/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

CONTINUED COUNCIL MEETING - 2/11/71

(Continued from 2/5/71, 1/29/71, 1/28/71)

The continued meeting of the Council of the Township of Marlboro was called to order at 8:09 P.M. by Council President Brodniak on Thursday, February 11th, 1971 at Central School. Due to the heavy agenda, the meeting began with the Pledge of Allegiance to our flag.

ROLL CALL: Present: Councilmen Czerny, Grossman, McLaughlin, Williams and Brodniak

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind and Clerk Mildred Ackerman.

PUBLIC HEARING: Ordinance #23-70 (The Zoning Ordinance)

The continued public hearing on the new zoning ordinance was opened to the public after Council Pres. Brodniak explained the public hearing procedure to the public.

Reprints of the ordinance and proposed zoning map were distributed to the public.

Mr. Eansley Boyce, Route 520, Robertsville, said he owned 8 acres and objected to 2 acre zoning and said 300 feet frontage requirement across from industrial zone was excessive and would create hardship. He felt Route 9 should be zoned business on both sides and said the town should do everything possible to invite business and industrial ratables.

Mr. Spencer Halper, 11 Sudbury Road, asked Council if any changes had been made regarding the OR zone since the first public hearing. Council said changes will be made but no definite decision as to the amount of change would be made until after the conclusion of the public hearing.

Mr. Halper said people abutting the OR zone would prefer to have 200 to 300 feet as a buffer zone. Mr. Halper said he was a supervisor of ten retail stores and made suggestions as to where he thought the commercial zones should

be placed on the zoning map. He suggested the area between Routes 9 & 520, south of the Route 18 line, as his first choice for shopping complex. His second choice is south of Routes 79 and 18.

Mr. Samuel Travers Neidlinger read a prepared statement objecting to the zoning of property he owns on Beacon Hill Road. He claimed the town had made Beacon Hill Road a public road when it was his private property. The Mayor and Council Pres. Brodniak asked Mr. Minogue to furnish a report to them regarding Mr. Neidlinger's claim.

Mr. Morris Schecter, owner of Marlboro Auto Wreckers, Tennent Road, objected to zoning on Tennent Road. He thought it should be zoned commercial from Harbor Road to Brown Road.

Mr. Ralph Stewart, R & A Auto Body on Tennent Road, agreed with Mr. Schecter's remarks.

Mr. Anthony Eckel said he operates a junk yard and excavating business and would not tolerate any changes in zoning and threatened a lawsuit if the zoning is changed.

Mrs. Alyce Lathrop, Pleasant Valley Road, displayed Monmouth County Master Plan maps to the public and recommended Council take the natural formation of the valley as the boundary line of a historic and conservation zone, with 5 acre zoning. She read statistics regarding money realized from tourist trade from historical areas in other parts of the country.

Mr. Eansley Boyce suggested an enlarged buffer area be provided around any industrial zone.

Mr. Howard Klau, Monmouth Heights, said he was an industrial real estate broker in Manhattan and Northern New Jersey, and said the only way our taxes can go down is by bringing industry and office research into our area. He criticized the requirements in the industrial zone as being much too stringent and recommended changes be made to attract more industry. He proposed three acres with 40% coverage for light industry, and suggested site zoning for a 70 to 80 acre industrial park with minimum 1 acre lots and 50% coverage to encourage smaller industries to locate

here. He said such a park should be well buffered with trees.

Mr. John Moss, President of the Monmouth Heights Civic Association, read a letter to Council dated January 11, 1971 objecting to OR zoning near the Monmouth Heights development.

Mr. Charles Smith, Greenwood Road, said five acre zoning in Burnt Fly Bog was restrictive to people who owned land in the bog.

Mr. Martin Payson, 14 Ottawa Road North, said he was an attorney representing business management and submitted his proposed zoning map to Council based on the township's most important resource - its roads (Route 18, 9, 79 and 34) for Council consideration. His map depicted the same northern Light Industrial and Commercial zones as Council's proposed map. He eliminated a portion of the OR zone south of Route 18 near Whittier Oaks East. He suggested another Highway Commercial zone at Routes 18 and 79, and suggested the Industrial zone should extend south to Freehold on the easterly side of Route 79, south of Route 18. He also thought the 2 conservations areas should be kept.

Mr. James Denton, Chairman of the Industrial Commission, reiterated the objection of the Industrial Commission to 10 acre industrial zoning and said he liked Mr. Klau's concept of 1 acre industrial zoning. He complained that the planner and Council had not met sufficiently with the Industrial Commission regarding the proposed zoning.

As no one else wished to speak on the ordinance, the Chair called for a motion to close the public hearing. So moved by Councilman McLaughlin, seconded by Councilman Czerny and carried unanimously on a roll call vote.

The continued public hearing on the zoning ordinance (Ordinance #23-70) closed at 9:25 P.M.

Council President Brodniak announced that Council intended to make amendments on the zoning ordinance, and

called for a motion to table action on the ordinance until the regular council meeting of February 25, 1971. Motion so moved by Councilman McLaughlin, seconded by Councilman Williams and carried unanimously on a roll call vote.

The continued meeting adjourned at 9:27 P.M.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Mildred F. Ackerman
MILDRED F. ACKERMAN, Clerk

MINUTES APPROVED: 5/27/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - FEBRUARY 11, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by President Brodniak at 9:35 P.M. on Thursday, February 11, 1971, at Central School following the completion of the continued meeting of February 11, 1971, the public hearing of Ordinance #23-70, The Zoning Ordinance.

ROLL CALL: Present: Councilmen Grossman, McLaughlin, Williams, Czerny and Brodniak

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind and Clerk Mildred F. Ackerman.

After expressing his pleasure at receiving a valentine card from Councilman Williams' young daughter, Council Pres. Brodniak moved the order of business.

UNFINISHED BUSINESS:

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #21-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the hearing with respect to the amendment to the subdivision map known as "U.S. at Marlboro East, Section 18, dated August 1966" be and the same is hereby continued to February 25, 1971 at the request of U.S. Home & Development Corp."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

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RESOLUTION #22-71

"BE IT RESOLVED by the Council of the Township of Marlboro that Mrs. Marie Muhler be and is hereby appointed a member of the Zoning Board of Adjustment for a term which will expire on December 31, 1975."

Seconded by Councilman McLaughlin.

Discussion: Councilman Grossman objected to the appointment of Mrs. Muhler which he said would create a conflict in that she is a Republican Committeewoman in Election District 1 and if appointed should resign her committee seat.

Councilman McLaughlin disagreed and said if that was the case, everyone in town holding an official political position in any party in town should not be holding any municipal office. He said if a resignation was to be had from Mrs. Muhler then perhaps a wholesale resignation of everybody who is involved in a political party and works for the municipality should be called for. He said he knows certain people are employed in the township, one of whom works on the Planning Board and is influential, and somebody else on our Welfare Board who is a functionary and said "we would not be less distrustful of their actions than to have Marie Muhler serve on the Board of Adjustment, would we."

At this point, Mrs. Sheila Gross, the Welfare Director, shouted out from the audience "if that bothers you, you can accept my resignation as of this moment".

Councilman McLaughlin said he made no reference whatsoever to Mrs. Gross and had no intention of getting involved in a crossfire with her as his comments did not involve her but that his statement still stands. Mrs. Gross said her resignation stands as of this moment.

Councilman Grossman reiterated his position and the Mayor agreed with him.

Council Pres. Brodniak said their objections were obviously politically oriented and called for a vote on the resolution, which was adopted on the following roll call vote: Ayes: Councilmen Czerny, Williams, McLaughlin and Brodniak. Nays: Councilman Grossman.

Following the adoption of the resolution, Councilman Grossman read the statement Mrs. Gross handed to the Mayor, as follows: "I have submitted my resignation this evening because I had promised this Township and myself that I would never allow the political scene to enter the Welfare Dept.

If Mr. McLaughlin chose to attack my position this evening, I had no choice open to me - I have attempted the time I served to correct many of the ills that beset the entire Welfare System within the Township as well as the County. But if my position will be vulnerable, then I can no longer serve effectively."

Mr. Minogue said that such a resignation could only be accepted by the Local Assistance Board. The Mayor said it would be so transmitted.

Councilman McLaughlin commented again that his reference had nothing at all to do with Mrs. Gross per se.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #23-71

"WHEREAS, the Monmouth County Board of Elections has made certain recommendations to the Council of the Township of Marlboro regarding redistricting of its present election districts, and

WHEREAS, our voter registration rolls show a high concentration of voters now living in District 1, and

WHEREAS, agreement was reached among the Republican and Democratic leaders of the Township as indicated in a letter received from the Republican Municipal Chairman dated February 7, 1971;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that District #1 be split into two

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separate districts using Route 79 as the dividing line, and

BE IT FURTHER RESOLVED that the new district be known as District #7 and encompass all of that Township area which lies to the west of Route 79 and that the Township Engineer be authorized to make the necessary changes to the current election district map to reflect said change, and to prepare a meets and bounds description for public advertisement and that the Township Attorney be directed to review this resolution and provide legal description for use by the Township Clerk, and

BE IT FURTHER RESOLVED that a copy of this resolution, the legal description and the updated election district map be forwarded to the Monmouth County Board of Elections so that it may adopt and make the change requested."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

NEW BUSINESS:

The following resolution was offered by Councilman Czerny who urged its adoption:

RESOLUTION #24-71

"BE IT RESOLVED by the Council of the Township of Marlboro that minor subdivision approval of Block 65, Lot 6-1, located on Robertsville Road and Route 9, as set forth on a map entitled "Sketch Plat for Isidor Shipper et al, Marlboro Township - Monmouth Co. N.J." dated June 26, 1970 be granted to First Merchants National Bank."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #25-71

"WHEREAS, the Planning Board on November 5, 1970 approved a revised site plan of First Merchants National 2/11/71

Bank, Asbury Park, New Jersey covering Block 65, Lot 6, subject to obtaining certain variances and approval of the New Jersey Department of Transportation and the Monmouth County Planning Board; and

WHEREAS the Township Engineer has reviewed said site plan and has recommended changes and amendments; and

WHEREAS the Zoning Board of Adjustment on January 5, 1971 approved a variance for front, rear, and side yard setbacks and to allow parking in the front yard; and

WHEREAS the applicant submitted a revised site plan dated February 2, 1971, prepared by Harold J. Seldin, P.E. & L.S., which revised site plan has been reviewed by the Township Engineer and has been approved subject to the condition hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the site plan of First Merchants National Bank, Asbury Park, New Jersey, for the construction of a bank building on a portion of Block 65, Lot 6 as shown on "Sketch Plan for First Merchants National Bank - Asbury Park (Marlboro Branch), U.S. Highway Route #9, Marlboro Township, Monmouth County, N.J. February 2, 1971, Scale 1" = 30', prepared by Harold J Seldin, P.E. & L.S." be and the same is hereby approved subject to the condition that drainage inlets be constructed over the 15" pipe under the access road."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #26-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to defend the Township against a civil action brought in the Superior Court of New Jersey Law Division Monmouth County (Docket No. L-14821-70) by Edith Daniel Pitt, widow, et als."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #27-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the 1971 Municipal Aid Schedule of Work providing for State Aid Funds of \$4,800.00 and a municipal share of \$24,625.00 for maintenance and repair of roads be approved and that the municipal share of \$24,625.00 be provided for in the 1971 municipal budget."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #28-71

"WHEREAS, the gypsy moth, *Porthetria dispar*, has been found heavily defoliating tree and plant growth in the Township of Marlboro, and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands, and

WHEREAS, the Council of the Township of Marlboro has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest pest.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Robert C. Fringer, Principal Biologist of the Department of Agriculture of the State of New Jersey, Mr. David C. Shaw, Superintendent of the

Shade Tree Commission of Monmouth County, and to Mr. Edward Haymes, Marlboro's representative to the Monmouth County Shade Tree Commission and New Jersey State Department of Agriculture Gypsy Moth Program."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #29-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the following budget transfers be made in the 1970 budget:

FROM:		
Police OE	\$1500.00	
Insurance	1200.00	
Board of Health OE	<u>300.00</u>	
Total ...	\$3000.00	
TO:		
Streets & Roads OE	<u> </u>	<u>\$3000.00</u>
	<u>\$3000.00</u>	<u>\$3000.00</u> "

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Williams offered Resolution #30-71 (bill paying) a copy of which is attached hereto and made a part hereof. Seconded by Councilman Czerny and adopted on a roll call vote with Councilman McLaughlin abstaining.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #31-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Mayor's appointment of Dr. Oscar Schimensky to the Advisory Health Council be and the same is hereby approved."

Seconded by Councilman McLaughlin and adopted unanimously

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on a roll call vote.

After the above order of business was completed, Council Pres. Brodniak commented regarding the progress of the P.B.A. negotiations and for the sake of continuity in the negotiating team offered a motion that the negotiating team for Marlboro Township with the Marlboro P.B.A. be formed to compose of Mayor Salkind, Business Administrator Hartnett and Councilmen Grossman, McLaughlin and Brodniak. Motion seconded by Councilman McLaughlin.

Discussion on motion: Mayor Salkind said he would like to delegate a representative to act in his stead and said there were several qualified residents of Marlboro (Mr. Martin Paysen and Mr. William Mechmann) who had offered their services as professional negotiators to the township.

Councilman McLaughlin moved that President Brodniak's motion be amended to include the names of Messrs. Paysen and Mechmann as members of the negotiating team. Seconded by Councilman Grossman and carried unanimously on a roll call vote.

The amended motion made by Pres. Brodniak was thereafter carried unanimously on a roll call vote.

ACTION ON MINUTES: Deferred until next meeting.

READING OF COMMUNICATION & PETITIONS:

1. Letter from Middlesex County Planning Board dated 1/28/71 re Proposed Zoning Ordinance, stating our ordinance is in general concurrence with their plans.

2. Letter from Albert J. Benning of Brick Township dated 2/5/71, stating he is the owner of Block 26, Lot 24, Nolan Road, and objecting to the proposed zoning.

3. Copy of Resolution from Planning Board adopted 2/4/71 containing recommendations to Council re proposed Zoning Ordinance.

4. Letter dated 2/4/71 from Hutt & Berkow, Attorneys for U.S. Homes, stating Mr. Hutt will be out of town on 2/11/71.

5. Letter dated 2/7/71 from Richard Previte, Republican Municipal Chairman, re redistricting of Election District #1.

6. Summons & Complaint received in the Pitt suit against the town.

7. Letter dated 2/4/71 from Leon S. Avakian recommending adoption of 1971 schedule of municipal work (Resolution #27-71).

8. Letter to Business Administrator Hartnett from State of N.J. Agriculture Dept. recommending adoption of resolution re gypsy moth control program (Res. #28-71).

9. Letter from Freehold Regional High School enclosing certified copy of budget election returns and requesting council action.

10. Letter dated 2/4/71 from Baron Associates offering 86 acres at intersection of Route 79 and proposed Route 18 for sale to township for municipal complex.

11. Letter dated 1/27/71 from Mr. & Mrs. Robert Coughi requesting snow removal ordinance.

12. Letter dated 2/8/71 from Freehold Township stating that Robert H. Smith will be their representative to the regional sewerage authority.

13. Copies of reports from Leon Avakian's office re First Merchants National Bank site plans.

14. Communication from State Dept. of Transportation granting \$8,000 for School Road West 1971 Municipal Aid Funds.

15. MCOSS report from 1/1 to 12/31/70.

16. Municipal calendar.

REPORT OF MAYOR: The Mayor's report included the following:

Road Division report from 1/23 to 2/5/71. The Mayor said U.S. Homes has started to install snow fences around their excavations and foundation near proposed Route 18.

Municipal Court report for month of January, 1971.

Noted receipt of letters from Township Attorney Minogue re depositions to be taken 2/18/71 re Deep Run Aviation and letter re payment of Recreation Commission salaries and wages.

Said he would recommend to the Local Assistance Board that Mrs. Gross' resignation be accepted, and that he had heard State and County officials say they had never seen a person more properly involved or more directly concerned with offering better concepts than Mrs. Gross. He stated for the record the County people were very anxious to obtain Mrs. Gross' help and asked Mrs. Gross to serve until her successor is appointed.

The Mayor said the Industrial Commission is working very hard and has requested to be present when Council meets to discuss the industrial areas of the zoning ordinance. He also displayed a new brochure which the Industrial Commission will mail to industrial real estate dealers etc. and said 5,000 copies of the brochure had been ordered.

Noted report of 1970 revenues from the Finance Department.

Said township of Pennsville had written to Mayor and Council on 1/25/71 asking we adopt a resolution urging repeal of 5% sales tax and said council should consider whether or not it wishes to recommend to the Governor a broad based tax.

Council Pres. Brodniak said Council would also like to be included when the Industrial Commission had a good prospect for Marlboro and offered Council's assistance. He noted the Industrial Commission had an article in the newspapers several months ago in which they mentioned two large industries who were coming into Marlboro and then failed to do so, and asked Industrial Commission Chairman James Denton who they were. Mr. Denton refused to answer Pres. Brodniak.

PUBLIC SESSION: The meeting was opened to the public at 11 P.M.

After the public session, Councilman Grossman offered a motion to adjourn the meeting. Motion seconded by Councilman McLaughlin and carried unanimously on a roll call vote.

The meeting adjourned at 11:24 P.M.

Joseph A. Brodniak
Joseph A. Brodniak,
Council President

Mildred F. Ackerman
Mildred F. Ackerman, Clerk

Minutes approved: 5/27/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - FEBRUARY 25, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President Joseph A. Brodniak at 8:25 P.M. at Central School, Marlboro Township, N.J. on February 25, 1971.

After the pledge of allegiance to our flag and a moment of silence, the roll was called.

ROLL CALL: Present: Councilmen Brodniak, Grossman and Williams.

Absent: Councilmen Czerny and McLaughlin
(Mrs. Czerny arrived at 9:30 P.M.)

Also present were Township Attorney James R. Minogue, Auditor Robert Eisner and Mayor Morton Salkind.

Councilman Williams made a motion that Patricia Wapelhorst be appointed as Acting Township Clerk for this meeting due to the illnesses of Clerk Mildred Ackerman and Deputy Clerk Theresa Eldridge. Motion seconded by Councilman Grossman and carried unanimously by those present.

Council Pres. Brodniak announced that Mrs. Czerny would be a little late and called for a motion that the public hearing on Ordinance #1-71 be delayed until she arrives. So moved by Councilman Williams, seconded by Councilman Grossman and carried unanimously by those present.

REPORT OF MAYOR SALKIND:

The Mayor reported on the current status of investments. Total investment in General Fund: \$2,100,000; various other funds: \$83,311.23; Total: \$2,183,311.23. Last year the amount of interest income was \$165,000.00.

The Mayor noted receipt of a petition signed by 26 teenagers (ages 16 to 19) regarding recreation facilities--

teenage center and stressed the importance of having this center for our children. He also noted the County Library authorities had indicated their willingness to supply services and books if we supply the proper facilities, and said this is very important to the upbringing of our children.

Also received by the Mayor was a petition signed by residents in the vicinity of Route 520 requesting a street light located opposite the State Hospital. The Mayor reported he instructed Mr. Hartnett to have one installed.

Mayor Salkind read the Road Department report from February 6 to 19th. He also spoke regarding the economic problems facing Marlboro, taxes, use of surplus funds, the need for new industrial ratables and the desirability of establishing a municipally owned Industrial park in the southern portion of the township including east of Route 79 in the area of the railroad tracks to include 1 and 1½ acre lot sizes. He said he was pleased Marlboro was going to have a \$200,000 ratable with a California company.

Pres. Brodniak agreed with the Mayor that it is necessary to obtain a site for a Community Center and Municipal site and library facilities. He also noted that although there is no provision for 1 acre industrial sites at this time the Council will study this further.

UNFINISHED BUSINESS:

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #33-71

"RESOLUTION DETERMINING DETAILS, PRESCRIBING FORM AND AUTHORIZING SALE OF \$700,000 GENERAL IMPROVEMENT BONDS.

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY:

Section 1. That the \$700,000 bonds authorized by an ordinance entitled: "AN ORDINANCE AUTHORIZING THE

ACQUISITION OF LAND AND THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, AND APPROPRIATING \$745,000 FOR SUCH PURPOSES AND AUTHORIZING THE ISSUANCE OF \$700,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF," heretofore finally adopted, shall be issued under date of March 1, 1971, shall be in the denomination of \$5,000 each, shall each be designated "General Improvement Bond", shall be numbered 1 to 140, both inclusive, and shall mature serially, in numerical order, on March 1 of each year, \$50,000 in each of the years 1972 to 1979, inclusive, and \$100,000 in each of the years 1980 to 1982, inclusive.

Section 2. That said bonds shall bear interest at a rate to be determined upon the sale thereof, as provided in Section 4 hereof, payable September 1, 1971 and semi-annually thereafter on March 1 and September 1 in each year, and shall be payable as to both principal and interest, in lawful money of the United States of America at The Central Jersey Bank & Trust Company, Matawan, New Jersey.

Section 3. That said bonds shall be signed by the Mayor and Director of Finance, by their manual or facsimile signatures, and the corporate seal of the Township or a facsimile thereof shall be affixed thereto, or imprinted or reproduced thereon and attested by the manual or facsimile signature of the Municipal Clerk and the interest coupons annexed to said bonds shall be executed with the facsimile signature of said Director of Finance; provided, however, that at least one manual signature shall appear on the face of each bond.

Section 4. That the Director of Finance be and he is hereby authorized to offer said bonds for sale on sealed proposals and to determine in his discretion the date and manner of receipt of such sealed proposals. Such notice of sale shall comply in all respects with the applicable statutes relating thereto; shall be in all other respects in such form as shall be determined by the Director of Finance; and shall be published, at least once, at least seven (7) days prior to the date of sale, in the "Asbury Park Press", a newspaper published in the County of Monmouth and circulated in said Township, and in The Bond Buyer, a financial publication published in the City of New York and devoted primarily to the subject of state and municipal bonds.

Section 5. That said bonds, together with the interest coupons annexed thereto and the provisions to be endorsed thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA \$5,000.00
STATE OF NEW JERSEY
COUNTY OF MONMOUTH
TOWNSHIP OF MARLBORO
GENERAL IMPROVEMENT BOND

KNOW ALL MEN BY THESE PRESENTS, that the TOWNSHIP OF MARLBORO, in the County of Monmouth, a municipal corporation of the State of New Jersey, hereby acknowledges itself indebted and for value received promises to pay to the bearer of this bond, or if it be registered to the registered holder hereof, the sum of

FIVE THOUSAND DOLLARS

on the first day of March, 19 , in lawful money of the United States of America, at The Central Jersey Bank & Trust Company, Matawan, New Jersey, with interest thereon at the rate of per centum (%) per annum, payable September 1, 1971 and semi-annually thereafter in like lawful money at the same places on the first day of March and the first day of September of each year from the date hereof until the payment of the annexed coupons as they severally become due, or if this bond is registered as to principal and interest, to the registered holder at his request.

This bond will, at the office of the Director of Finance, be registered as to principal or as to principal and interest in accordance with the provisions endorsed hereon.

This bond is one of a series of bonds of like date, amount and tenor except as to number and maturity, amounting in the aggregate to not more than \$700,000, and is issued for the purpose of financing part of the cost of the acquisition and the construction of various road improvements in the Township of Marlboro, New Jersey, pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey, and an ordinance and resolution duly adopted by the Municipal Council of said Township and duly published as required by law.

the registered holder named in the registration blank below, his assignee or legal representative, at the times and place expressed on the face of this bond.

Dated: _____, 19 ____ .

Director of Finance

This bond may be registered as to principal under the signature of the Director of Finance below, and shall thereafter be transferable only by a written assignment of the registered owner or his attorney duly acknowledged or proved, such transfer to be endorsed hereon and entered on the books of said Director of Finance kept for that purpose. Such transfer may be to "Bearer", and the coupons will remain payable to bearer unless and until all of them shall be surrendered and cancelled, as evidenced by the execution of the foregoing conversion certificate provided for that purpose.

Date of Registry	Name of Registered Holder	Director of Finance

Section 6. That this resolution shall take effect immediately."

The above resolution was seconded by Councilman Williams and adopted unanimously by those present after a brief discussion.

Councilman Williams then offered the following Resolution and urged its adoption:

RESOLUTION #34-71

"RESOLUTION AMENDING A PROPOSED ORDINANCE NO. 23-70, ENTITLED "AN ORDINANCE FURTHER AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED, 'AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS OR ZONES

AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THE CONSTRUCTION AND THE NATURE AND EXTENT OF THE USE OF LAND, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE ESTABLISHING A BOARD OF ADJUSTMENT AND FIXING PENALTIES FOR VIOLATION IN THE TOWNSHIP OF MARLBORO' ADOPTED DECEMBER 16, 1965, AS AMENDED AND SUPPLEMENTED" WHICH WAS INTRODUCED AND PASSED, FIRST READING ON DECEMBER 30, 1970.

WHEREAS, the Council of the Township of Marlboro introduced and passed on first reading on December 30, 1970 a complete and comprehensive Zoning Ordinance; and

WHEREAS, a public hearing on said proposed Zoning Ordinance was held January 29, 1971 and thereafter on other date or dates; and

WHEREAS, the Council of the Township of Marlboro, following said public hearing, has determined that further amendments and corrections of said Zoning Ordinance as introduced December 30, 1970 are necessary;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro in the County of Monmouth and State of New Jersey that a pending ordinance entitled, "An Ordinance Further Amending and Supplementing an Ordinance Entitled, 'An Ordinance Limiting and Restricting to Specified Districts or Zones and Regulating Therein Buildings and Structures According to the Construction and the Nature and Extent of the Use of Land; Providing for the Administration and Enforcement of the Provisions of the Ordinance Establishing a Board of Adjustment and Fixing Penalties for Violation in the Township of Marlboro' Adopted December 16, 1965, As Amended and Supplemented" which was introduced and passed on first reading on December 30, 1970, be and the same is hereby amended in accordance with the Schedule attached hereto; and

BE IT FURTHER RESOLVED that a copy of this Resolution together with the Schedule attached hereto and the Zoning Map of the Township of Marlboro dated December 30, 1970,

revised February 25, 1971, be published in the Asbury Park Press on March 4, 1971, with the notice required by law, and that the above described ordinance, as amended by the Schedule attached hereto, be considered for final passage on March 11, 1971, at which time all persons interested will be given an opportunity to be heard concerning said ordinance as amended by the within Resolution; and

BE IT FURTHER RESOLVED that the within Resolution and the Schedule attached hereto be referred to the Planning Board for its report according to Statute.

SCHEDULE

(The following deletions, corrections and additions refer to the said Ordinance as published in the Asbury Park Press on January 9, 1971.)

Section 300 ZONING DISTRICTS: Add "LI-3, Light Industrial District" at end of Section.

Section 301 ZONING MAP: Said Section is amended to read as follows: "The boundaries of all zone districts set forth in this Ordinance shall be ^{as} shown on a map dated December 30, 1970, revised February 25, 1971, and entitled "Zoning Map of the Township of Marlboro". Such map is hereby made a part of this Ordinance."

Section 403.21 Water and Sewer Requirements: The word "and" in the last line is deleted, and the word "or" is substituted.

Section 405.1 Application Details: The word "six" in the second line is deleted, and the word "eleven" is substituted.

Section 408.2 Delete "3" diameter" in the first line and substitute "8" diameter".

Section 408.3 Delete "500 gpm" in the second line and substitute "1000" gpm".

Section 501.10 Change to read as follows:
Maximum Building Height: 35 feet for principal building and 15 feet for accessory building.

Section 504.7 Minimum Front Yard Setback: Delete "25 feet" and substitute "40 feet".

Section 506.14.5 Delete "thirty-five (35) feet" in the third line and substitute "fifty (50) feet".

Add a Section 508A to read as follows:

"Section 508A LI-3 LIGHT INDUSTRIAL DISTRICT

Section 508A.1 Permitted Uses:

508A.1.1 Light manufacturing, processing, producing or fabricating operations which meet the performance standards contained in Article IV, Section 406.

508A.1.2 Experimental, reasearch or testing laboratories, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.

508A.1.3 Administrative and general offices where no manufacturing is performed.

508A.1.4 Warehouses for the storage of materials and products.

508A.1.5 Railroad rights-of-way and terminal facilities.

508A.1.6 Federal, State, County and Municipal buildings and grounds.

508A.1.7 Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

Section 508A.2 Permitted Accessory Uses:

508A.2.1 Signs subject to the provisions of Article VI, Section 604 of this Ordinance.

508A.2.2 Fences subject to the provisions of Article VI, Section 600 of this Ordinance.

508A.2.3 Off-street parking subject to the provisions of Article VI, Section 602 of this Ordinance.

508A.2.4 Off-street loading subject to the provisions of Article VI, Section 603 of this Ordinance.

508A.2.5 Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

Section 508A.3 Minimum Lot Area: 3 acres.

Section 508A.4 Minimum Lot Width: 300 feet.

Section 508A.5 Minimum Lot Depth: 300 feet.

Section 508A.6 Minimum Lot Frontage: 300 feet.

Section 508A.7 Minimum Front Yard Setback: 80 feet.

Section 508A.8 Minimum Side Yard Setback: 70 feet each.

Section 508A.9 Minimum Rear Yard Setback: 80 feet.

Section 508A.10 Maximum Building Height: 50 feet for principal buildings and 30 feet for accessory building.

Section 508A.11 Maximum Lot Coverage: 35 percent.

Section 508A.12 Minimum Open Space: 20 percent.

Section 508A.13 Uses Requiring a Special Use Permit: (Subject to provisions of Article VII of this Ordinance.)

508A.13.1 Public Utilities.

508A.13.2 Shopping Centers.

Section 508A.14 Other Provisions:

508A.14.1 Front Yard areas may be utilized for parking provided that no such parking shall be closer than 80 feet to the street line.

508A.14.2 Storage of flammable liquids or gases shall be stored in accordance with the Township's Fire Prevention Code.

508A.14.3 The outdoor storage of material, equipment or refuse shall only be permitted if such storage is fenced and/or screened from public view in accordance with a plan approved by the Planning Board.

Section 508A.15 Relationship to Residential Lots:

508A.15.1 No building, structure or railroad tracks shall be erected within 250 feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone.

508A.15.2 No parking area or driveway shall be located within 150 feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone.

508A.15.3 No tree, having a caliber of more than three (3) inches and located within 100 feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone or lot utilized for residential purposes in a commercial or industrial zone, shall be removed unless such removal is in accordance with an approved site plan.

508A.15.4 Prior to commencing construction of any building, structure, railroad tracks, driveway or parking areas, a permanent fence shall be constructed along the entire length of any front, side or rear lot line that abuts a residential zone or use. Such fence shall be at least six feet in height, and shall be of a type and material approved by the Planning Board as part of site plan approval.

508A.15.5 A buffer area 50 feet in width shall be provided along any front, side or rear lot line that abuts a residential zone or use. Such buffer area shall be suitably landscaped with trees, shrubs and/or ground cover in accordance with a landscaping plan approved by the Planning Board as part of site plan approval.

Section 601.3 Off-Street Parking: Delete "forty (40) car spaces" in the second line of the second paragraph and substitute "eighty (80) car spaces; delete "ten (10) additional car spaces" in the third line of the second paragraph and substitute "twenty (20) additional car spaces".

Section 602.5.1 Delete "25 feet" in the second line and substitute "100 feet".

Section 604.1.4 Delete "35 feet" in the first line and substitute "20 feet".

Section 700.2 After the words "Zoning Board of Adjustment", add the words "and Planning Board".

Add the following:

"Section 700.5 All items under Section 700 shall require site plan approval."

Section 705.2 Delete the word "lot" in the second line and substitute the word "street".

Section 705.7 Delete this Section in its entirety.

Section 707.9 Add the following sentence: "No used cars shall be allowed within the front yard area."

Section 708.10 Change the second sentence to read: "Dumpster service shall be required at the owner's expense."

Section 710.4 Delete "five (5) acres" and substitute "ten (10) acres".

Section 711.1 Delete "400" and substitute "700".

Section 711.3 Delete "Section 507" in the second line and substitute "Section 508".

2/25/71

- Section 805 CONSTRUCTION APPROVAL PRIOR TO ORDINANCE:
Delete the second paragraph of this Section
in its entirety.
- Section 900.2 Delete "three (3) years" in the last line
and substitute "five (5) years".
- Section 900.6 Add the following at the end of the sentence:
"except that the Secretary of the Board may
be compensated."
- Section 1001.4.5(g) Delete "Board of Health" in the
second line and substitute
"Divison of Health".

The above resolution was seconded by Councilman Grossman.
Discussion: Councilman Grossman stated that he was pleased
to see that the major part of the OR Zone was taken away
in Monmouth Heights, stressed his concern regarding Indus-
trial zoning and stated that we need variable zoning in
order to compete with towns surrounding us. It was Council-
man Grossman's opinion that we need an industrial site, mun-
icipal park and variable zoning.

Regarding the change in the OR Zone, Pres. Brodniak
stated the Council had responded to the requests of the
public heard at public hearings and has satisfied the
wishes of the people.

Mayor Salkind stated that he is pleased with amend-
ments pertaining to Marlin Estates, that the commercial
zone on Route 79 conforms with the Master Plan but was
disappointed that same has not been done with Tennent
Road. He said the Saathoff property should be zoned
residential in that heavy traffic to the OR zone would
pass the new elementary school, and stressed the importance
of getting Industry into the township.

The above resolution was thereafter adopted unanimously
by those present on a roll call vote.

Council President Brodniak then offered the following
resolution and urged its adoption:

RESOLUTION #35-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Engineer be authorized to engage Gulick-Henderson of New Jersey, Inc., an independent testing laboratory, for the purpose of making tests of road materials as authorized by Resolution #314-70."

Seconded by Councilman Grossman and adopted unanimously by those present on a roll call vote.

Councilman Czerny arrived at 9:30 P.M.

PUBLIC HEARING: Ordinance #1-71 "An Ordinance Authorizing The Acquisition of Land For Use As a Site For a Municipal Building And Other Municipal Purposes In And For The Township of Marlboro, in The County of Monmouth, New Jersey, And Appropriating \$77,000.00 From The Capital Improvements Account And The Capital Improvement Fund To Finance The Cost Thereof."

Reprints of the ordinance were distributed to the public and the public hearing was opened.

Mrs. Kate Jackson spoke against the ordinance, stating she could not understand why the Council feels it must have this particular site for a Municipal site and that the price of the land, \$77,000, plus the price of condemnation is much too high a price to pay. She said Council should wait until the litigation was resolved.

Pres. Brodniak told Mrs. Jackson \$77,000 is the anticipated total cost.

Mayor Salkind asked Council what exactly this would cost. He stated that Mrs. Jackson assumes it will cost in excess of \$77,000 and said that he had stated publicly that he would agree with property that was chosen as long as that property was not in litigation. The Mayor suggested Council defer action until Judge Simmil hears the case in litigation.

Pres. Brodniak stated that this piece of property had been selected by the master planners over a period of five to six years, that the architects always came back to this particular piece of property and stated that it was the best tract of land. Pres. Brodniak explained this situation has not just come up suddenly and read a resolution from the minutes of a Council meeting of June 8, 1967 appointing Mr. Brodniak and Mr. Storer to act as a Site Committee in view of the fact that the office space was no longer adequate. He also made note of a resolution introduced on September 28, 1967 by Mr. Brodniak to purchase said property, which resolution was seconded by Mr. Arnold, - but that Mr. Storer moved to table the matter for further discussion. He stated this property could have been purchased at that time for \$2,200 an acre.

Pres. Brodniak explained that Marlboro Improvement Co. later took the township into court to try to force the Township into honoring an application for major subdivision under the provisions of the 40/30 zone, whereby they are zoned one acre but would build 91 homes on 3/4 of an acre and would give the Township land for the municipal site. Pres. Brodniak said Council had attempted to reach a solution with Marlboro Improvement Co. as this matter was in Court and our Township needed a civic center. He said Council wanted to draw up a contract at the price of \$3,000 an acre, and that the contract would provide for \$60,000 to be placed in escrow and if they won the case, the township would be paid back and the 91 homes built, and if they lost the case, they would have the money and we would have the land. Pres. Brodniak said we tried to negotiate this many times, but that Mayor Salkind wanted to have a settlement to withdraw this out of Court and permit the homes to be built. Pres. Brodniak stated further that at no time did the principals agree to the first terms - they wanted the case dropped.

Mayor Salkind denied the above statement and said he was at a meeting wherein Pres. Brodniak and Mr. Traphagen agreed the township would drop the case, but that later Mr. Traphagen met with Council at caucus and the agreement was not discussed. The Mayor stated he would oppose this ordinance if it was costly.

Pres. Brodniak reiterated he had made no agreement to settle out of Court, as mentioned by the Mayor. He stated the Mayor wanted the settlement and that when he (Brodniak) discussed the matter with Mr. Traphagen, he stated he would present the proposal to Council and give him their decision.

Mr. Marty Specker spoke against the ordinance and said he thought most important for the township would be a library and teen center. He felt the \$77,000 should be used for something we urgently need. He felt we should not act on a civic center at this time.

Mr. Cevasco, Station Road, Wickatunk, asked why we needed 20 acres or condemn 20 acres when five acres would be sufficient.

Pres. Brodniak stated that more room is needed for the Police Dept. - they have part of their offices in a trailer, and that all departments need more space.

Thomas Gagliano, attorney for Marlboro Improvement Co. spoke against the ordinance. He stated that he feels the township might very well lose this case and assured the township it would be in litigation until the very end. He said that out of 130 acres, 20 acres would be donated and said that he did not think it would be within reason for the township to pay for property they could have and why fight so hard to keep out 91 homes if and when they come.

Mr. Brown, 4 Hill Circle, asked why this must be the property for the civic center. Pres. Brodniak replied that this area was ordained on the Master Plan in 1965 and that after the architect examined several sites, this one was recommended to be not only the town hall but also community center, police headquarters, road department, etc. The land has topographical beauty, will represent Marlboro Township and we want to be proud of it.

Councilman Williams added this matter was studied with the architect - eight sites were studied, and that more money would be spent bringing in water and sewerage if other locations were selected.

Councilman Grossman stated that in view of the fact there was a \$10,000 offer of settlement made by Mr. Gagliano this is something to consider if Council is determined to have this particular property.

Mayor Salkind said that there are 4,000 acres of land available for sale under \$2,000 an acre, and there are some who feel a site in Marlboro Village would be better. He

stated that to his knowledge, a feasibility study has not been done. If this particular property was not in litigation, there would be no problem.

Mr. Gagliano asked the Council to recess in order to discuss the matter.

The Council recessed at 10:20 P.M. and resumed at 11 P.M.

Mayor Salkind suggested that instead of closing the public hearing this meeting be continued until another date.

Mr. Jerry Bauman said there was another applicant that had reached the public hearing stage, the plans were drawn to the stage of scheduling the public hearing. Mr. Minogue asked if they filed suit and Mr. Bauman answered that he believed they are also involved in litigation.

Mayor Salkind stated that this particular applicant was further along and he did not think any other applicant was in this position.

Mr. Bauman stated there was another applicant ready for public hearing and further stated that the Planning Board in 1965 selected the site involved and that it was recommended by the Planner at that time also -- no one person picked out the particular site.

Councilman Grossman asked Mr. Bauman what his feelings are in respect to the settlement of this matter and Mr. Bauman replied he is not getting involved with respect to settlement, but as Mr. Grossman had questioned him, as a Planning Board member he thought this site was ideal and had thought so in 1965.

Councilman Grossman then moved that this public hearing be continued to March 11, 1971. The motion was seconded by Councilman Williams and adopted on the following roll call vote: Ayes: Councilmen Grossman, Williams and Czerny - Nays: Councilman Brodniak - Absent: Councilman McLaughlin.

(NOTE: Resolution #32-71 was voided)

NEW BUSINESS:

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #36-71

"WHEREAS, the Annual Financial Statement for the year 1970 shows non-cash surplus in the amount of \$201,252.55; and

WHEREAS, it is the intention of the governing body to appropriate \$100,000.00 of this amount in the 1971 budget; now therefore

BE IT RESOLVED by the Council of the Township of Marlboro that application be made to the Director of Local Finance for approval that \$100,000.00 be anticipated as revenue in the 1971 budget."

Seconded by Councilman Czerny and adopted unanimously by those present on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #37-71

"BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the local budget for the year 1971:

1. Municipal Purposes\$	1,127,923.62
2. Reserve for Uncollected Taxes	287,547.48
3. Total General Appropriations	1,415,471.10
4. Less: Anticipated Revenues Other Than Current Property Tax	1,294,065.16
5. Difference: Amount to be Raised by Taxes for Support of Municipal Budget	121,405.94

BE IT FURTHER RESOLVED that said budget be published in the Asbury Park Press in the issue of March 11, 1971.

The governing body does hereby approve the following as the budget for the year 1971. (copy of Budget Attached) "

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Czerny then offered the following resolution and urged its adoption:

RESOLUTION #38-71
RESOLUTION SETTING FORTH REASONS FOR DELAY
IN INTRODUCTION OF 1971 BUDGET

WHEREAS, N.J.S.40A:4-15 requires that any budget introduced after February 10th must be accompanied by a statement setting forth the reasons for such delay;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following are the reasons for the delay in the introduction of said budget:

1. N.J.S.40:69A-46 provides that on or before the 16th day of January, the Mayor shall submit to the Council his recommended budget together with such explanatory comment or statement as he may deem desirable. Said statute provides that the budget shall be in such form as is required by law for municipal budgets and shall in addition have appended thereto detailed analysis of the various items of expenditure and revenue.

2. The form of budget submitted by Mayor Morton Salkind to the Council on or about January 15th, 1971 did not have appended thereto a detailed analysis of the various items of expenditure and revenue as required by law. Council President Joseph Brodniak requested of Mayor Salkind said detailed analysis of the various items of expenditure and revenue.

3. On or about February 9th, 1971, an analysis of the budget was received by members of the Council from Mayor Morton Salkind which analysis was inadequate for the proper preparation of the 1971 budget.

4. From that date to the present it was necessary to hold several meetings with the Mayor, the Business Adminis-

1971

LOCAL MUNICIPAL BUDGET

Local Budget of the Township of Marlboro, County of Monmouth for the fiscal year 1971.

It is hereby certified that the budget annexed hereto and hereby made a part hereof is a true copy of the budget approved by resolution of the governing body on the 25th day of February, 1971, and that public advertisement will be made in accordance with the provisions of N.J.S.40A:4-6.

MILDRED F. ACKERMAN
Clerk
P.O. Box 55, Marlboro, N.J. 07746
Address
201-462-0059
Phone Number

Certified by me
This 25th day of February, 1971.

It is hereby certified that the approved budget annexed hereto and hereby made a part hereof is an exact copy of the original on file with the clerk of the governing body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

ROBERT EISNER
Registered Municipal Accountant
49 Woodbridge Ave., Highland Park, N.J. 08904
Address
201-572-1103
Phone Number

Certified by me
This 25th day of February, 1971.

LOCAL BUDGET NOTICE

Section 1.
Local Budget of the Township of Marlboro, County of Monmouth for the fiscal year 1971.
Be It Resolved, that the following statements of revenues and appropriations shall constitute the local budget for the year 1971.
Be It Further Resolved, that said budget be published in Asbury Park Press in the issue of March 11, 1971.
The governing body of the Township of Marlboro does hereby approve the following as the budget for the year 1971:

RECORDED VOTE Ayes CZERNY
GROSSMAN
WILLIAMS
BROADNIAK
Absent MC LAUGHLIN

Notice is hereby given that the budget and tax resolution was approved by the Council of the Township of Marlboro, County of Monmouth, on February 25, 1971.

A hearing on the budget and tax resolution will be held at Central School, on March 25, 1971, at 9 o'clock P.M. at which time and place objections to said budget and tax resolution for the year 1971 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT

General Appropriations For:	Year 1971	Year 1970
Municipal Purposes	1,127,923.62	963,915.52
Reserve for Uncollected Taxes—Based on Estimated 93 Percent of Tax Collections	287,547.48	258,253.00
Total General Appropriations	1,415,471.10	1,222,198.52
Less: Anticipated Revenues Other Than Current Property Tax (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)	1,294,065.16	1,074,411.55
Difference: Amount to be Raised by Taxes for Support of Municipal Budget:		
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	121,405.94	147,756.97

Summary of 1970 Appropriations Expended and canceled	General Budget
Budget Appropriations—Adopted Budget	1,222,198.52
Budget Appropriations Added by Chapter 159, P.L. 1948	None
Emergency Appropriations	92,100.00
Total Appropriations	1,314,298.52
Expenditures:	
Paid or Charged	1,145,450.13
Reserved	119,848.39
Unexpected Balances Canceled	49,000.00
Total Expenditures and Unexpended Balances Canceled	1,314,298.52
Overexpenditures	None

Explanation of Appropriations for "Other Expenses"
The amounts appropriated under the title of "Other Expenses" are for operating costs other than "Salaries and Wages." Some of the items included in "Other Expenses" are:

- Material, supplies and nonbondable equipment.
- Repairs and maintenance of building equipment, roads, etc.
- Contractual services for garbage and trash removal, fire hydrant services, aid to volunteer fire companies, printing and advertising, utility services, insurance and many other items essential to the service rendered by municipal government.

	1971 Estimated	1970 Actual	Increase or Decrease
Local School	\$2.80	\$2.47	+\$.33
Regional High School	1.33	1.14	+ .19
County	.95	.82	+ .13
Local Purpose	.15	.21	-.06
Veterans and Senior Citizens	.05	.05	
Total	\$5.28	\$4.69	+\$.59

CURRENT FUND — ANTICIPATED REVENUES

GENERAL REVENUES	Anticipated		Realized in Cash in 1970
	1971	1970	
1. Surplus Anticipated			
2. Surplus Anticipated with Prior Written Consent of Director of Local Finance	500,000.00	480,000.00	480,000.00
Total Surplus Anticipated	100,000.00	109,500.00	109,500.00
3. Miscellaneous Revenues:	600,000.00	589,500.00	539,500.00
Licenses:			
Alcoholic Beverages	2,300.00	1,950.00	2,334.00
Other	1,000.00	1,900.00	1,020.00
Fees and Permits:			
Building	11,100.00	21,000.00	11,118.00
Other	3,000.00	16,000.00	3,109.00
Fines and Costs:			
Municipal Court	19,400.00	7,400.00	19,482.35
State Road Aid—Formula Fund	4,800.00	4,800.00	4,800.00
State Road Aid—Construction Fund	8,000.00	9,000.00	9,000.00
State Road Aid—State Aid Road System Act of 1967	40,000.00		
Interest and Costs on Taxes	26,400.00	15,000.00	26,459.44
Bus Receipts Taxes	440.00	450.00	449.22
Franchise Taxes	104,400.00	87,000.00	104,482.50
Gross Receipts Taxes	77,800.00	59,600.00	77,847.78
Replacement Revenue—Business Personal Property (R.S. 54:11D)	27,776.00	27,776.00	27,776.00
State Sales Tax Aid Per Capita (R.S. 54:32B-30, Et. Seq.)	33,149.16	33,365.55	33,365.55
Interest on Investments	100,000.00	58,000.00	166,712.96
Motor Fuel Tax Refunds	2,100.00	1,900.00	2,170.49
State Highway Lighting	400.00	400.00	412.83
Total Miscellaneous Revenues	462,065.16	344,941.55	490,540.12
4. Receipts from Delinquent Taxes	232,000.00	140,000.00	217,653.78
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	1,294,065.16	1,074,411.55	1,297,733.50
6. Amount to be Raised by Taxes for Support of Municipal Budget:			
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	121,405.94	147,756.97	
Total Amount to be Raised by Taxes for Support of Municipal Budget	121,405.94	147,756.97	404,123.96
7. Total General Revenues	1,415,471.10	1,222,198.52	1,701,857.86

CURRENT FUND—APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations	Appropriated			Expended 1970		
	for 1971	for 1970	for 1970 By Emergency Resolution	Total for 1970 As Modified By All Transfers	Paid or Charged	Reserved
GENERAL GOVERNMENT:						
Administrative and Executive						
Salaries and Wages	59,665.00	49,800.00		43,300.00	37,377.08	922.92
Other Expenses	29,350.00	21,000.00		21,000.00	17,798.99	3,201.01
Codification and Revision of Ordinances-Contractual		9,500.00		9,500.00	3,900.00	5,600.00
Elections						
Salaries and Wages	350.00	300.00		300.00		300.00
Other Expenses	1,200.00	2,000.00		1,000.00	939.82	60.18
Financial Administration						
Salaries and Wages	20,250.00	11,500.00		12,300.00	12,234.49	65.51
Annual Expenses	8,500.00	7,500.00		7,500.00	7,000.00	500.00
Miscellaneous Other Expenses	1,000.00	1,000.00		1,200.00	760.76	439.24
Assessment of Taxes		12,500.00		11,800.00	11,782.00	18.00
Salaries and Wages	13,750.00		45,000.00	45,000.00	23,143.00	21,857.00
Cost of Revaluation						
Miscellaneous Other Expenses	3,050.00	5,000.00		5,000.00	3,213.38	186.62
Collection of Taxes						
Salaries and Wages	14,500.00	10,500.00		10,500.00	10,499.95	.05
Other Expenses	3,900.00	3,000.00		3,000.00	1,229.90	1,770.10
Liquidation of Tax Title Liens and Foreclosed Property						
Other Expenses	4,000.00	3,000.00		300.00	300.00	
Legal Services and Costs						
Other Expenses	30,000.00	20,000.00		29,000.00	26,944.15	2,055.85
Engineering Services and Costs						
Other Expenses	35,600.00	30,000.00		36,000.00	33,433.03	2,566.97
Public Buildings and Grounds						
Salaries and Wages	3,300.00	3,000.00		3,000.00	2,709.03	290.97
Other Expenses	10,500.00	9,800.00		9,800.00	7,114.73	2,685.27
Planning Board						
Salaries and Wages	1,000.00	1,000.00		1,000.00	1,000.00	
Other Expenses						
Major Subdivision and Site Plan Review	3,000.00	2,500.00		2,500.00	1,362.50	1,137.50
Miscellaneous Other Expenses	5,400.00	5,400.00		6,400.00	5,407.13	992.87
Zoning Commission						
Salaries and Wages		6,700.00		700.00	472.50	27.50
Other Expenses		1,600.00		1,600.00	95.50	4.50
Reviews of Master Plan-Zoning and Subdivision Ordinances-Contractual		10,400.00		10,400.00	8,866.00	1,534.00
Board of Adjustment						
Salaries and Wages	1,000.00	1,000.00		1,000.00	1,000.00	
Other Expenses	5,500.00	5,000.00		5,000.00	3,402.96	1,597.04
Industrial Commission (R.S. 40:55B)						
Other Expenses	12,000.00	21,000.00		15,500.00	8,218.88	7,281.12
Insurance	35,000.00	20,000.00		20,000.00	18,074.30	1,925.70
Public Relations						
Contractual		5,000.00		5,000.00		5,000.00
Public Safety						
Police						
Salaries and Wages	194,000.00	144,300.00		144,300.00	140,790.44	9.56
Other Expenses	58,000.00	49,200.00		49,200.00	36,644.19	5,555.81
School Crossing Guards						
Salaries and Wages	6,850.00	3,350.00	400.00	4,780.00	4,777.50	2.50
Other Expenses	500.00	150.00		150.00		150.00
First Aid Organization						
Contractual	10,000.00	20,000.00		10,000.00	10,000.00	
Purchase of Ambulance						10,000.00
Municipal Court						
Salaries and Wages	9,500.00	7,500.00		7,500.00	7,500.00	
Other Expenses	1,000.00	850.00	1,900.00	2,750.00	2,567.57	182.43
Inspection of Buildings						
Salaries and Wages	10,500.00	12,500.00		12,500.00	11,403.77	96.23
Other Expenses	1,200.00	1,500.00		1,500.00	1,349.53	150.47
Civil Defense and Disaster Control						
Other Expenses	500.00	500.00		500.00		
Streets and Roads						
Road Repairs and Maintenance						
Salaries and Wages	83,000.00	76,000.00		76,000.00	64,325.15	674.85
Other Expenses	95,000.00	82,000.00		82,000.00	57,083.36	14,916.64
Road Work-State Aid Formula Fund	5,500.00	35,000.00		35,000.00	35,000.00	
Street Lighting	30,000.00	25,000.00		25,000.00	22,582.06	2,417.94
Sanitation						
Sanitary Landfill						
Other Expenses	2,400.00	2,200.00		2,700.00	2,558.00	142.00
Municipal Utilities Authority						
Donation		5,000.00		5,000.00		5,000.00
Loan to Purchase Land			25,000.00	25,000.00	25,000.00	
Loan to Pursue Purchase of Village Water Co. and Pine Brook Sewer Co.	10,000.00					
Health and Welfare						
Board of Health						
Salaries and Wages	9,980.00	6,500.00		7,370.00	7,360.12	9.88
Other Expenses	3,950.00	5,000.00		5,000.00	2,911.95	588.05
Services of Monmouth County Office						
Social Services-Contract (R.S.40:13-1)	5,000.00	4,500.00		4,500.00	4,500.00	
Administration of Public Assistance						
Salaries and Wages	1,500.00	2,000.00		2,000.00	1,250.03	49.97
Other Expenses	350.00	350.00		350.00	115.02	234.98
Public Assistance (State Aid Agreement)	100.00	100.00		100.00		100.00
Aid to Hospitals	20,000.00	12,500.00		12,500.00	12,500.00	
Recreation and Education:						
Board of Recreation Commissioners (RS 40:12-1)						
Salaries and Wages	23,700.00	6,000.00	4,200.00	11,700.00	9,682.00	2,018.00
Other Expenses	10,000.00	6,500.00	5,600.00	10,100.00	6,733.83	3,366.17
Summer Youth Activities Program						
Salaries and Wages	4,000.00		6,500.00	6,500.00	6,288.00	212.00
Other Expenses	1,000.00		3,500.00	3,500.00	832.38	147.62
Little League—Contribution	2,500.00					
Pop Warner Football—Contribution	1,500.00					
Rainbow League—Contribution	500.00					
Expense of Participation in Free Public Library						
Other Expenses	300.00	300.00		300.00	79.48	220.52
Total Operations (Item 8(A))	905,145.00	787,800.00	92,100.00	876,400.00	722,134.46	108,265.54
(B) Contingent	1,000.00				177.38	87.83
Total Operations Including Contingent	906,145.00	791,065.21	92,100.00	879,665.21	727,311.84	108,353.37
Detail:						
Salaries and Wages	456,845.00	354,450.00	11,100.00	356,550.00	330,452.06	4,697.94
Other Expenses (Including Contingent)	449,300.00	436,615.21	81,000.00	523,115.21	391,859.78	103,655.43
(C) Capital Improvements						
Capital Improvement Fund	32,500.00	50,000.00		50,000.00	50,000.00	
Road Construction or Reconstruction with State Aid	9,000.00	10,000.00		10,000.00	10,000.00	
Improvement of Roads—State Aid Road System Act of 1967	53,333.33	12,500.00		12,500.00	12,500.00	
Land Acquisition—Municipal Building						
Total Capital Improvements	94,833.33	72,500.00		72,500.00	72,500.00	

(D) Municipal Debt Service					
Interest on Bonds	17,500.00				
Interest on Notes	2,250.00				
Total Municipal Debt Service	19,750.00				
(E) Deferred Charges and Statutory Expenditures—Municipal					
(1) DEFERRED CHARGES:					
Emergency Authorizations	47,100.00	39,614.95	39,614.95	39,614.95	
Special Emergency Authorizations— 5 Years (40A:4-55)	9,000.00	4,000.00	4,000.00	4,000.00	
Special Emergency Authorizations— 3 Years (40A:4-55.1) (4040A:4-55.13)	20,833.33	33,333.33	33,333.33	33,333.33	
Overexpenditures — 1967 Appropriation Reserves		2,087.32	2,087.32	2,087.32	
Overexpenditures — 1969 Appropriation Reserves		109.92	109.92	109.92	
Overexpenditures — 1968 Appropriation Reserves	2,261.96	1,734.79	1,734.79	1,734.79	
Prior Years' Bills					
(2) STATUTORY EXPENDITURES:					
Contribution to:					
Public Employees' Retirement System	8,000.00	7,500.00	7,500.00	7,500.00	
Social Security System (O.A.S.I.)	20,000.00	12,000.00	15,500.00	11,504.98	3,995.02
Total Deferred Charges and Statutory Expenditures — Municipal	107,195.29	100,380.31	103,880.31	97,385.29	11,495.02
(H) Total General Appropriations for Municipal Purposes (Items 8(A) to (G) inclusive)					
	1,127,923.62	963,945.52	92,100.00	1,056,045.52	887,197.13
(L) Subtotal General Appropriations (Items (H) and (K))					
	1,127,923.62	963,945.52	92,100.00	1,056,045.52	887,197.13
(M) Reserve for Uncollected Taxes					
	287,547.48	258,253.00		258,253.00	258,253.00
9. Total General Appropriations	1,415,471.10	1,222,198.52	92,100.00	1,314,298.52	1,145,450.13

**APPENDIX TO BUDGET STATEMENT
CURRENT FUND BALANCE SHEET DECEMBER 31, 1970**

Assets		
Cash and Investments		2,050,627.61
State Road Aid Allotments Receivable		65,223.92
Receivables with Offsetting Reserves:		
Taxes Receivable		302,957.34
Tax Title Liens Receivable		92,392.76
Other Receivables		950.59
Deferred Charges Required to be in 1971 Budget		79,195.29
Deferred Charges Required to be in Budgets Subsequent to 1971		56,833.31
Total Assets		2,648,180.85
Liabilities, Reserves and Surplus		
*Cash Liabilities		1,540,767.89
Reserves for Receivables		396,300.69
Surplus		711,112.27
Total Liabilities, Reserves and Surplus		2,648,180.85

COMPARATIVE STATEMENT OF CURRENT FUND OPERATIONS AND CHANGE IN CURRENT SURPLUS

	Year 1970	Year 1969
Surplus Balances January 1st	686,616.43	397,291.73
Current Revenue on a Cash Basis:		
Current Taxes (Percentage collected: 1970, 93%; 1969, 93%)	3,342,780.00	2,697,080.31
Delinquent Taxes	217,693.78	149,849.95
Other Revenue and Additions to Income	575,876.62	466,536.48
Total Funds	4,822,966.83	3,710,758.47
Expenditures and Tax Requirements:		
Municipal Appropriations	1,007,045.52	865,314.87
School Taxes (Including Local and Regional)	2,479,657.58	1,722,381.51
County Taxes (Including Added Tax Amounts)	606,852.46	494,731.64
Special District Taxes	110,999.00	71,498.42
Other Expenditures and Deductions from Income		12,202.43
Total Expenditures and Tax Requirements	4,203,954.56	3,166,128.87
Less: Expenditures to be Raised by Future Taxes	92,100.00	141,986.83
Total Adjusted Expenditures and Tax Requirements	4,111,854.56	3,024,142.04
Surplus Balance December 31st	711,112.27	686,616.43
School Tax Levy Unpaid	1,239,100.00	
Less: School Tax Deferred	60,000.00	
*Balance Included in Above "Cash Liabilities"	1,179,100.00	
Proposed Use of Current Fund Surplus in 1971 Budget		
Surplus Balance December 31, 1970	711,112.27	
Current Surplus Anticipated in 1971 Budget:	600,000.00	
Surplus Balance Remaining	111,112.27	

(\$404.16)

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trator and the Auditor in order to obtain sufficient information to enable the Council to make its decision concerning the various items of revenue and expenditure for the 1971 budget.

Seconded by Councilman Williams. After a discussion between Councilmen Grossman and Brodniak as to why the budget was delayed, the resolution was adopted on the following roll call vote: Ayes: Brodniak, Williams, Czerny. Nays: Grossman. Absent: McLaughlin

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #40-71

"BE IT RESOLVED by the Council of the Township of Marlboro that Patricia Wapelhorst be appointed, effective immediately, to the position of Assistant Municipal Clerk at a salary to be determined by the Salary Ordinance."

Seconded by Councilman Williams. Discussion: The Council discussed the fact that it was the Council's authority to make this appointment and instructed Mr. Minogue to prepare a legal opinion on the subject. Councilman Grossman made a motion that the resolution be amended to read "Assistant Municipal Court Clerk". The motion was seconded by Councilman Williams and unanimously carried on a roll call vote by those present. The resolution was thereafter unanimously adopted on a roll call vote by those present.

Councilman Williams then offered the following resolution and urged its adoption:

RESOLUTION #39-71

"BE IT RESOLVED by the Council of the Township of Marlboro that an ordinance entitled Ordinance 2-71 "An Ordinance Fixing the Salaries of the Officers and Employees of the Township of Marlboro (1971)." be introduced and passed at the first reading and that the same be published in the Asbury Park Press on Thursday, March 4th, 1971,

**ORDINANCE #2-71
AN ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO (1971)
BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, New Jersey:**

SECTION 1. The salaries of the hereinafter designated Township Officers and Employees shall be in accordance with this schedule:

Mayor	\$1,500.00 per annum
Councilman	1,500.00 per annum
Office of the Township Clerk	
Township Clerk	8,500.00 per annum
Deputy Clerk	5,500.00 per annum
Department of Administration	
Business Administrator	18,000.00 per annum
Secretary to Business Administrator	5,500.00 per annum
Clerk-Typist	5,500.00 per annum
Clerk-Typist (part time)	2.75 per hour
Mayor's Secretary	6,500.00 per annum
Division of Police	
Secretary	5,500.00 per annum
Special Police	2.75 per hour
Police Matron	2.75 per hour
School Crossing Guards	2.75 per hour
Division of Public Roads, Streets and Sanitation	
Road Supervisor	10,500.00 per annum
Mechanic	8,280.00 per annum
Foreman-Heavy Equipment Operator	8,280.00 per annum
Heavy Equipment Operator	7,500.00 per annum
Truck Driver	7,350.00 per annum
Laborer (over one year)	5,750.00 per annum
Laborer	5,200.00 per annum
Division of Welfare	
Director of Welfare	1,500.00 per annum
Department of Finance	
Director of Finance	3,500.00 per annum
Division of Collection	
Tax Collector	7,500.00 per annum
Assistant Tax Collector	6,000.00 per annum
Clerk (part time)	2.50 per hour
Division of the Treasury	
Treasurer	7,500.00 per annum
Bookkeeper	6,500.00 per annum
Clerk (part time)	2.75 per hour
Division of Health	
Sanitary Inspector	2,500.00 per annum
Plumbing Inspector	3,500.00 per annum
Registrar of Vital Statistics	1,400.00 per annum
Secretary	300.00 per annum
Office of the Tax Assessor	
Tax Assessor	11,000.00 per annum
Assessing Clerk (part time)	2.75 per hour
Other Boards, Agencies & Officers	
Building Inspector-Zoning Officer	10,500.00 per annum
Municipal Court	
Municipal Judge	4,500.00 per annum
Court Clerk	5,000.00 per annum
Asst. Court Clerk	2.75 per hour
Dog Warden	600.00 per annum
Planning Board Clerk	1,000.00 per annum
Zoning Board of Adjustment Secretary	1,000.00 per annum

SECTION 2. All officers and employees having a fixed salary of less than \$4,000.00 per annum shall be deemed to be part time and their salaries shall be paid monthly. All full time officials and employees shall be paid semi-monthly. Overtime pay for employees of the Division of Public Roads, Streets and Sanitation shall be paid at the rate of one and one-half their hourly rate after 40 hours per week.

SECTION 3. All salaries and wages earned herein shall be retroactive from January 1, 1971.

SECTION 4. The following shall be holidays for all Township Departments: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Election Day, General, Veteran's Day, Thanksgiving Day, Christmas Day. When said holiday falls on a Saturday, it shall be celebrated as of the preceding day; and on a Sunday, it shall be celebrated as of the following day. Any full time employee of the Township who works on any holiday for the Township shall be granted one day's leave with pay, or an extra day's pay at his regular rate of pay, at the discretion of the Business Administrator.

SECTION 5. All salaries shall be in lieu of fees, which shall be paid to the order of Marlboro Township.

SECTION 6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 7. This ordinance shall take effect immediately upon its publication and passage according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held February 25, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on March 11, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(S50.56) 11083

with the notice required by law and that the same be considered for full passage on Thursday, March 11th, 1971, at 8:00 P.M. Central School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Czerny then offered the bill paying Resolution #41-71, copy of which is attached hereto. The resolution was seconded by Councilman Williams and after a discussion that the Central Jersey engineering study vouchers should all be considered at the same time, Councilman Grossman moved that Mr. Avakian's voucher for the amount of \$625.00 be deleted, thus making the total amount for the bill paying resolution \$10,954.51. The motion was seconded by Councilman Czerny and carried unanimously on a roll call vote.

Resolution #41-71 was thereafter adopted unanimously on a roll call vote by those present.

Councilman Grossman then made a motion to adjourn and the motion was seconded by Councilman Czerny and carried unanimously.

The meeting adjourned at 11:45 P.M.

Joseph A. Brodmiak
JOSEPH A. BRODNIAK,
Council President

Patricia Wapelhorst
PATRICIA WAPELHORST,
Acting Township Clerk

Minutes approved: 5/27/71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Leon S. Avakian	Insp. Jan.-U.S. Homes	\$ 1833.90	
	Insp. Jan.-Holiday Est.N.	170.40	
	Insp. Jan.-Levitt	470.30	
	Eng. study Cent. Jersey Water	625.00	\$ 3099.60
			2474.60
James R. Minogue	Misc. Legal - Jan.	1500.00	
	Twnshp vs. D. Manzo	500.00	
	Negotiation Lex. Agency	415.00	2415.00
Sprague's Oil Service	Fuel oil Inv. 02956	107.25	
	Kerosene Police- Jan.	25.65	
	Gasoline Police- Jan.	576.92	709.82
Robert G. Ransone	Dues- N.J. Ind. Development		15.00
The Daily Register	Ad- Zoning Hearing Admin		8.00
I.B.M. Corp.	Contract on repairs for eqpt.		14.26
N.J. Assoc. of Twnsps. - Annual Dues 1971	Admin		50.00
Cook Camera Centre	Film and Flashbulbs Admin		7.18
N.J. Bell Tel. Co.	1/1 -2/1 536-4444 Admin	25.43	
	1/1 -2/4 462-0059 Admin	346.37	371.80
Paul L. Linnett & Co.	Paper, Steno Pads & Suppl.	41.57	
	Desk, Chair, Admin	197.00	
	Legal paper Police	9.68	
	Postage Scale & Suppl. Police	26.36	274.61
Mun. Rec., Tx Coll & Treasurers Assoc.	Dues 1971 for M. Kuhn	15.00	
	Dues 1971 for M. Rotheim	15.00	30.00
State Dept. of Community Affairs	Verification notices Tax Coll.		66.00
Rappa Bros. Inc.	Door & Lock and Labor	30.00	
	Repairs to Trailer Police	160.00	190.00
The Bargain House-	Carpet Bldgs & Grounds		84.87
Ocean Electric	Electric Space H eaters		61.90
Jersey Central Power	12/28-1/26 #5318	48.04	
	12/29-1/27 #3599 990, 1690, 3608 5490, 6180	203.25	251.29

<u>DEBIT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Freehold Transcript	Bd of Adjust. appeals		18.96
Morganville Esso	Repair Police car		54.81
Buhler & Bitter, Inc.	Master Cylinder, Police car		21.64
Marlboro Auto Wreckers	Rear Assembly, Police car		40.00
Cap. Housecraft, Inc.	Lumber, Trailer		20.00
Walter Heath Company	Fuses & Wire holders P/O 7142	60.00	
	Spray Cleaner	11.70	
	Fuses & Wire holders P/O 7158	60.00	131.70
Tom's Ford Inc.	Auto Parts, Police car	43.24	
	Oil sending Unit	2.89	46.13
V.E. Ralph & Son	Inv. # 56769 CO2 Refills		24.75
Hugh G. Boyd Assoc.	Radar Ex. Cord for antenna		50.00
Base Automotive Supp.	Speedometer Calibration		30.00
Mat-Key Press, Inc.	Missing Persons Reports		56.00
Red the Tailor, Inc.	Uniforms for Ptl.		285.74
Miller's Cleaners	Jan. Cleaning Police Uniforms		91.00
William Quinn & Son	Gun cleaning Equipt.		23.94
A. S. Gilbert, Inc.	Push & Lift Device, ST & Rds	438.90	
	Switches	26.21	465.11
The Cumming Co.	Discharge Chute	103.92	
	Spinner Disc St & Rds	73.85	177.77
Manzo Contracting Co.	Coldpatch		320.75
International Salt Co.	Bulk Ice Control 1/15	482.60	
	" " " 1/6	484.03	
	" " " 1/26	531.05	
	" " " 1/18	475.00	1972.68
Mechanic's Uniform Rental	Rental Service to 1/18/71		99.20

Total

~~\$11,579.51~~
10,954.51

Offered by: ^{James} Grossman

Ayes: Brodnick, Williams,
Grossman, Czerny

Seconded by: ^{Williams}
Czerny

Nays: None

Absent: Mr. Saugheim

The above Resolution was adopted this 25th day of February, 1971.

Patricia Wapelhorst - Acting Clerk

~~MILDRED F. ACKERMAN, CLERK~~

Patricia Wapelhorst
Acting Clerk

Joseph A. Brodnick
JOSEPH A. BRODNIAK, COUNCIL PRES.

COUNCIL OF THE TOWNSHIP OF MARLBORO

SPECIAL MEETING - FEBRUARY 27, 1971

A special meeting of the Council of the Township of Marlboro was called by Mayor Morton Salkind at 12 Noon on Saturday, February 27, 1971, in the caucus room of the Municipal Office Building on Route 79, Marlboro, for the purpose of the Council taking action upon the Freehold Regional High School Budget.

Present were Councilmen Judith Czerny, Lawrence Grossman, John McLaughlin and Joseph Brodniak. Councilman John Williams was notified by telephone of the meeting and he advised that he was unable to be present but would vote with the Council majority if he were able to attend the meeting. Mayor Morton Salkind and Township Attorney James Minogue were also present.

The following resolution was moved by Councilman McLaughlin, seconded by Councilman Czerny and adopted unanimously:

RESOLUTION #42-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Budget submitted by the Board of Education of the Freehold Regional High School District as submitted to the voters on February 2, 1971 and which was approved by the voters of Marlboro Township be and the same is approved as submitted by said Board of Education."

There being no further business, the meeting was adjourned at 12:04 P.M.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Mildred F. Ackerman
MILDRED F. ACKERMAN, Clerk

Minutes approved: 5/27/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF MARCH 11, 1971

The regular meeting of the Marlboro Township Council of March 11, 1971 was called to order at 8:23 P.M. by Council President Joseph A. Brodniak at Central School. President Brodniak spoke of the illness of Clerk Mildred Ackerman and after a moment of silence led in the salute to our Flag.

ROLL CALL: Present: Councilmen Lawrence Grossman, Judith Czerny, John H. Williams, John J. McLaughlin and Joseph A. Brodniak.

Also present were Attorney James R. Minogue, Mayor Morton Salkind and Deputy Clerk Teresa R. Eldridge.

Council President Brodniak reviewed the agenda making note that Resolution #49-71 was not to be included. Before opening the meeting to the public for the public hearing on The Amendments to Ordinance #23-70 President Brodniak pointed out the principal changes. He then requested that the comments on the Ordinance be made in relation to the amendments.

Mayor Salkind at this time requested permission to read a Proclamation honoring the ORT Organization and proclaiming March 17, 1971 to be ORT DAY in Marlboro Township. Several ORT members came forward and received the Proclamation.

PUBLIC HEARING: Zoning Ordinance #23-70 Amendments
(Resolution #34-71)

RESOLUTION AMENDING A PROPOSED ORDINANCE NO. 23-70 ENTITLED "AN ORDINANCE FURTHER AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED, 'AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS OR ZONES AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THE CONSTRUCTION AND THE NATURE AND EXTENT OF THE USE OF LAND; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE ESTABLISHING A BOARD OF ADJUSTMENT AND FIXING PENALTIES FOR VIOLATION IN THE TOWNSHIP OF MARLBORO' ADOPTED DECEMBER 16, 1965 AS AMENDED AND SUPPLEMENTED"

(Reprints of Resolution #34-71 and amended maps were available to
3/11/71 - 1 - the public.)

This is a reprint of the
Asbury Park Press
Thursday, March 4, 1971

RESOLUTION #34-1
RESOLUTION AMENDING A PROPOSED ORDINANCE NO. 23-70, ENTITLED "AN ORDINANCE FURTHER AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED, "AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS OR ZONES AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THE CONSTRUCTION AND THE NATURE AND EXTENT OF THE USE OF LAND, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE ESTABLISHING A BOARD OF ADJUSTMENT AND FIXING PENALTIES FOR VIOLATION IN THE TOWNSHIP OF MARLBORO" ADOPTED DECEMBER 16, 1965, AS AMENDED AND SUPPLEMENTED" WHICH WAS INTRODUCED AND PASSED, AT FIRST READING, ON DECEMBER 30, 1970.

WHEREAS, the Council of the Township of Marlboro introduced and passed on first reading on December 30, 1970 a complete and comprehensive Zoning Ordinance; and

WHEREAS, a public hearing on said proposed Zoning Ordinance was held January 29, 1971 and thereafter on other date or dates; and

WHEREAS, the Council of the Township of Marlboro following said public hearing, has determined that further amendments and corrections of said Zoning Ordinance as introduced December 30, 1970 are necessary;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro in the County of Monmouth and State of New Jersey that a pending ordinance entitled, "An Ordinance Further Amending and Supplementing An Ordinance Entitled, "An Ordinance Limiting and Restricting to Specified Districts or Zones and Regulating Therein Buildings and Structures According to the Construction and the Nature and Extent of the Use of Land; Providing for the Administration and Enforcement of the Provisions of the Ordinance Establishing a Board of Adjustment and Fixing Penalties for Violation in the Township of Marlboro" Adopted December 16, 1965, As Amended and Supplemented" which was introduced and passed on first reading on December 30, 1970, be and the same is hereby amended in accordance with the Schedule attached hereto; and

BE IT FURTHER RESOLVED that a copy of this Resolution together with the Schedule attached hereto and the Zoning Map of the Township of Marlboro dated December 30, 1970, revised February 5, 1971, be published in the Asbury Park Press on March 4, 1971 with the notice required by law, and that the above described ordinance, as amended by the Schedule attached hereto, be considered for final passage on March 11, 1971 at which time all persons interested will be given an opportunity to be heard concerning said ordinance as amended by the within Resolution; and

BE IT FURTHER RESOLVED that the within Resolution and the Schedule attached hereto be referred to the Planning Board for its report according to Statute.

Offered by: Councilman Williams
Seconded by: Councilman Grossman
Ayes: Brodnjak, Grossman, Williams
Nays: None

The above Resolution was adopted this 25th day of February, 1971.

JOSEPH A. BRODNIK, Council President

MILDRED F. ACKERMAN, Clerk

SCHEDULE

(The following deletions, corrections and additions refer to the said Ordinance as published in the Asbury Park Press on January 9, 1971.)

Section 300 ZONING DISTRICTS: Add "LI-3, Light Industrial District" at end of Section.

Section 201 ZONING MAP: Said Section is amended to read as follows: "The boundaries of all zone districts set forth in this Ordinance shall be as shown on a map dated December 30, 1970, revised February 25, 1971, and entitled "Zoning Map of the Township of Marlboro". Such map is hereby made a part of this Ordinance."

Section 403.21 Water and Sewer Requirements: The word "and" in the last line is deleted, and the word "or" is substituted.

Section 403.1 Application Details: The word "six" in the second line is deleted, and the word "eleven" is substituted.

Section 408.2 Delete "3" diameter" in the first line and substitute "8" diameter".

Section 408.3 Delete "500 gpm" in the second line and substitute "100 gpm".

Section 501.10 Change to read as follows: "Maximum Building Height: 35 feet for principal building and 15 feet for accessory building."

Section 504.7 Minimum Front Yard Setback: Delete "25 feet" and substitute "40 feet".

Section 506.14.5 Delete "thirty-five (35) feet" in the third line and substitute "fifty (50) feet".

Add a Section 508A to read as follows:

"Section 508A LI-3—LIGHT INDUSTRIAL DISTRICT

Section 508A.1 Permitted Uses:

508A.1.1 Light manufacturing, processing, producing or fabricating operations which meet the performance standards contained in Article IV, Section 406.

508A.1.2 Experimental, research or testing laboratories, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.

508A.1.3 Administrative and general offices where no manufacturing is performed.

508A.1.4 Warehouse for the storage of materials and products.

508A.1.5 Railroad rights-of-way and terminal facilities.

508A.1.6 Federal, State, County and Municipal buildings and grounds.

508A.1.7 Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

Section 508A.2 Permitted Accessory Uses:

508A.2.1 Signs subject to the provisions of Article VI, Section 604 of this Ordinance.

508A.2.2 Fences subject to the provisions of Article VI, Section 600 of this Ordinance.

508A.2.3 Off-street parking subject to the provisions of Article VI, Section 602 of this Ordinance.

508A.2.4 Off-street loading subject to the provisions of Article VI, Section 603 of this Ordinance.

508A.2.5 Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

Section 508A.3 Minimum Lot Area: 3 acres.

Section 508A.4 Minimum Lot Width: 300 feet.

Section 508A.5 Minimum Lot Depth: 300 feet.

Section 508A.6 Minimum Lot Frontage: 300 feet.

Section 508A.7 Minimum Front Yard Setback: 80 feet.

Section 508A.8 Minimum Side Yard Setback: 70 feet each.

Section 508A.9 Minimum Rear Yard Setback: 80 feet.

Section 508A.10 Maximum Building Height: 50 feet for principal buildings and 30 feet for accessory building.

Section 508A.11 Maximum Lot Coverage: 35 per cent.

Section 508A.12 Minimum Open Space: 20 per cent.

Section 508A.13 Uses Requiring a Special Use Permit: (Subject to provisions of Article VII of this Ordinance.)

508A.13.1 Public Utilities.

508A.13.2 Shopping centers.

Section 508A.14 Other Provisions:

508A.14.1 Front Yard areas may be utilized for parking provided that no such parking shall be closer than 80 feet to the street line.

508A.14.2 Storage of flammable or gases shall be stored in accordance with the Township's Fire Prevention Code.

508A.14.3 The outdoor storage of material, equipment or refuse shall only be permitted if such storage is fenced and/or screened from public view in accordance with a plan approved by the Planning Board.

Section 508A.15 Relationship to Residential Lots:

508A.15.1 No building, structure or railroad tracks shall be erected within 250 feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone.

508A.15.2 No parking area or driveway shall be located within 150 feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone.

508A.15.3 No tree, having a caliber of more than three (3) inches and located within 100 feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone or lot utilized for residential purposes in a commercial or industrial zone, shall be removed unless such removal is in accordance with an approved site plan.

508A.15.4 Prior to commencing construction of any building, structure, railroad tracks, driveway or parking area, a permanent fence shall be constructed along the entire length of any front, side or rear lot line that abuts a residential zone or use. Such fence shall be at least six feet in height, and shall be of a type and material approved by the Planning Board as part of site plan approval.

508A.15.5 A buffer area 50 feet in width shall be provided along any front, side or rear lot line that abuts a residential zone or use. Such buffer area shall be suitably landscaped with trees, and/or ground cover in accordance with a landscaping plan approved by the Planning Board as part of site plan approval.

Section 601.3 Off-Street Parking: Delete "forty (40) car spaces" in the second line of the second paragraph and substitute "eighty (80) car spaces; delete (ten (10) additional car spaces" in the third line of the second paragraph and substitute "twenty (20) additional car spaces".

Section 602.5.1 Delete "25 feet" in the second line and substitute "100 feet".

Section 604.1.4 Delete "35 feet" in the first line and substitute "20 feet".

Section 700.2 After the words "Zoning Board of Adjustment", add the words "and Planning Board".

Add the following:

"Section 700.5 All items under Section 700 shall require site plan approval."

Section 705.2 Delete the word "lot" in the second line and substitute the word "street".

Section 705.7 Delete this Section in its entirety.

Section 707.9 Add the following sentence: "No used cars shall be allowed within the front yard area."

Section 708.10 Change the second sentence to read "Dumpster service shall be required at the owner's expense."

Section 710.4 Delete "five (5) acres" and substitute "ten (10) acres".

Section 711.1 Delete "400" and substitute "700".

Section 711.3 Delete "Section 507" in the second line and substitute "Section 508".

Section 803 CONSTRUCTION APPROVAL PRIOR TO ORDINANCE:

Section 800.2 Delete the second paragraph of this Section in its entirety.

Section 800.5 Delete "three (3) years" in the last line and substitute "five (5) years".

Section 900.6 Add the following at the end of the sentence: "except that the Secretary of the Board may be compensated."

Section 1001.4.5(g) Delete "Board of Health" in the second line and substitute "Division of Health".

NOTICE

Public notice is hereby given that the above resolution amending proposed Ordinance #23-70, The Zoning Ordinance, was passed at a regular meeting of the Council of the Township of Marlboro held February 25, 1971 and that said ordinance #23-70, together with the amendments set forth in the above resolution will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on March 11, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

(41,020.48) MILDRED F. ACKERMAN, Clerk

Paul Butcher, Highway #79, Marlboro requested his property be changed back to commercial as it had been in the past.

Attorney Tom Gagliano speaking on behalf of the Marlboro Improvement Company objected to the OR zoning of their property.

Mr. Anthony Eckel, Tennent Road, Morganville said that the zoning of his property at Gordons Corner Road at 1½ acre was unrealistic.

Mr. Kupar, Route 79, Morganville prefers his property to be zoned commercial.

Mr. Charles Smith, 264 Greenwood Road, Morganville asked for an explanation of the OR zoning.

Mr. Spencer Halper, 11 Sudbury Road, Morganville wanted to know why some commercial zones were left out along Highways and why there was not provision for multiple dwelling units.

President Brodniak explained that strip zoning is not recommended and that apartments are not permitted.

Mr. Anthony Eckel said he does not want any change of the zoning of Tennent Road.

President Brodniak asked that the Public Hearing be brought to a close as no one else wished to speak, so moved by Councilman McLaughlin and seconded by Councilman Grossman and passed unanimously on a roll call vote.

The Chair asked for a motion that action on the Ordinance be tabled until the meeting of the 25th upon receipt of Planning Board action. So moved by Councilman McLaughlin and seconded by Councilman Grossman. After a brief discussion the motion was passed unanimously on a roll call vote.

CONTINUED PUBLIC HEARING: Ordinance #1-71. "AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FOR USE AS A SITE FOR A MUNICIPAL BUILDING AND OTHER MUNICIPAL PURPOSES IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$77,000 FROM THE CAPITAL IMPROVEMENT ACCOUNT AND THE CAPITAL IMPROVEMENT FUND TO FINANCE THE COST THEREOF"

(Reprints of the ordinance were available for the public.)

Reprinted From the Asbury Park Press

ORDINANCE #1-71

AN ORDINANCE AUTHORIZING THE ACQUISITION OF LAND FOR USE AS A SITE FOR A MUNICIPAL BUILDING AND OTHER MUNICIPAL PURPOSES IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$77,000.00 FROM THE CAPITAL IMPROVEMENTS ACCOUNT AND THE CAPITAL IMPROVEMENT FUND TO FINANCE THE COST THEREOF.

BE IT ORDAINED, by the Council of the Township of Marlboro, in the County of Monmouth, New Jersey as follows:

SECTION 1. There is hereby authorized the acquisition, by purchase or condemnation, of land or easements therein, in the Township of Marlboro, County of Monmouth and State of New Jersey for use as a site for a municipal building in and for the Township of Marlboro, County of Monmouth and State of New Jersey, and for other municipal purposes, which premises are more particularly described as follows:

BEGINNING at a point in the southeasterly line of Wyncrest Road at the dividing line between Block 59 Lot 18 and Block 59 Lot 4 on the Official Tax Map of the Township of Marlboro and from thence running (1) north 58 minutes 20 seconds west 205.37 feet along said dividing line to a point; thence (2) still along said boundary north 35 degrees 01 minutes 08 seconds west 93.06 feet to a point; thence (3) still along said boundary north 42 degrees 31 minutes 08 seconds west 106.25 feet to a point; thence (4) still along said boundary north 52 degrees 31 minutes 08 seconds west 104.94 feet to a point; thence (5) still along said boundary north 61 degrees 01 minutes 08 seconds west 148.45 feet to a point; thence (6) still along said boundary north 41 degrees 58 minutes 34 seconds west 89.24 feet to an iron pipe; beginning again at the beginning point and running thence (7) north 31 degrees 01 minutes 50 seconds east and approximately parallel with the southeasterly line of Wyncrest Road 775.73 feet to a point; thence (8) on a curve to the left having a radius of 97.50 feet and following approximately along the southwesterly line of Route 520, (Newman Springs Road), a distance of 107.96 feet to a point; thence (9) north 32 degrees 24 minutes 44 seconds west and following still approximately along the southwesterly line of Route 520 (Newman Springs Road), a distance of 89.35 feet to a point; thence (10) on a curve to the right having a radius of 311.50 feet and approximately parallel to Route 520 a distance of 213.22 feet to a point; thence (11) still along Route 520 (Newman Springs Road) north 66 degrees 48 minutes 20 seconds east 90.45 feet to a point; thence (12) still along approximately the right of way line of Route 520 (Newman Springs Road) on a curve to the left having a radius of 219.00 feet a distance of 348.46 feet to a point; thence (13) in a northwesterly direction along Monmouth County Route 520 a distance of 190 feet to a point; thence in a southwesterly direction to the distance what it may to the ending of the 6th course herein.

Together with the right, title and interest of the owner in any lands lying within the above described premises and the existing rights of way of Wyncrest Road and Route 520 (Newman Springs Road).

Being a tract of land containing approximately 20.5 acres more or less. Being also a portion of Block 59 Lot 4 on the Official Tax Map of the Township of Marlboro and located at the easterly corner of said Block 59 Lot 4.

SECTION 2. It is hereby found, determined and declared by this Council as follows:

A. That an appropriation was contained in a budget or budgets of the Township heretofore adopted under the caption "Capital Improvements-Land Acquisition Municipal Building"; and that there is now available in said appropriation the sum of \$52,500.00 which said sum is hereby appropriated to finance part of the cost of the above described acquisition.

B. That an appropriation was contained in a budget or budgets of the Township heretofore adopted under the caption "Capital Improvement Fund"; and that there is now available in said appropriation the sum of \$14,500.00 which said sum is hereby appropriated to finance part of the above described acquisition and that the cost of said acquisition including legal expenses shall not exceed \$77,000.00.

SECTION 3. This ordinance shall take effect 20 days after its final passage by Council and approval by the Mayor.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held February 3, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on February 25, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$51.84) 1-860

Mr. Richard Harris, 33 Regina Road, Morganville wanted to know when there is going to be a place for teenage recreation.

Mr. Anthony Eckel, Tennent Road, Morganville asked if any consideration was given to young people, he felt that i is getting so they cannot afford to buy property in Marlboro.

Attorney Tom Gagliano representing the Marlboro Improvement Co. objected to the Ordinance and asked that t be tabled.

Mr. Howard Klau, Marlboro asked what the legal costs will be defending the town on this action.

Mr. Barry Wolk, Morganville stated that he felt further development of residences would create a further water situation.

Mr. Spencer Halper asked that the Ordinance not be passed tonight but rather form a committee to look for another site.

Mr. Ed. Adams, Whittier Oaks questioned what would the upper limit of money be that the Township might have to pay. President Brodniak answered that the ordinance calls for \$77,000.

Mrs. Kate Jackson, Ryan Road, Marlboro felt that the town could buy land for less, land not in litigation.

As no one else wished to speak on the Ordinance the Chair asked for a motion that the Public Hearing on Ordinance #1-71 be brought to a close. Moved by Councilman McLaughlin and seconded by Councilman Czerny, then passed unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

Resolution#44-71

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

ORDINANCE #1-71

"AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FOR USE AS A SITE FOR A MUNICIPAL BUILDING AND OTHER MUNICIPAL PURPOSES IN AND FOR THE TOWNSHIP

OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$77,000 FROM THE CAPITAL IMPROVEMENT ACCOUNT AND THE CAPITAL IMPROVEMENT FUND TO FINANCE THE COST THEREOF"

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman agreed that the town needs a Municipal Building and this was a nice area but questioned its cost and said we couldn't gamble on winning the estoppel case. Councilman McLaughlin stated that although he had not been present at the 2/25/71 public hearing on the Ordinance, that he had listened to the tape of that meeting in the presence of the Deputy Clerk and that he was qualified to vote on the adoption of the ordinance. He reiterated the advantages of the site, including the recent appraisal of less than \$3,000 per acre for this land, the professional recommendation of this esthetically desirable site over a period of many years and that he disagreed with Councilman Grossman in that this site was not an approved subdivision and should not be considered as such.

Councilman Czerny cited the urgent need for a municipal building and that there should be no further delay in the acquisition of the site.

The Mayor asked formally that the following be included in the minutes of the meeting:

"As Mayor of Marlboro Township I appeal to the members of the Township Council not to approve Ordinance #1-71 which will lead to the condemnation of the Traphagen twenty acres for a municipal site. Since we need a municipal center including the office building and a cultural and recreational facilities very badly I have already indicated that I will support the purchase of any site that the Town Council selects which is not in litigation. There are 15,000 acres available in Marlboro Township and only four tracts are in litigation from 1969, none in 70.

After investigation I have found five sites which are preferable from the view of location, size, land planning, esthetic and utilities. I might also state from the standpoint of time too. I ask Council not to proceed without specific and detailed investigation of these sites.

Contrary to previous allegations, there is no Master Plan

which indicates preference for the Traphagen site. The 1964 Smith Plan, copy which I have here with me tonight, the 1964 Smith Plan called for the civic center to be located at the northwest corner of the intersection of Route 520 and Route 79. This is one of my preferred sites. There's a major tract available. The 1965 Master Plan, copy which I have, enacted by the Planning Board under the chairmanship of Mr. Gerald Bauman and the plan which existed in effect until December of last year called for anyone of the four corners at the intersection of Wyncrest Road and Route 520, here at the four corners, all four. One of these is the Buttonwood Farm property. The northwest corner, that's the Buttonwood Farm property, is not in litigation, and portions of it must be acquired in connection with our road program and this is already planned when we eliminate the S curve. I would support such acquisition which would save the Township double expense.

The 1969 Monmouth County Development Plan covering the years 1969 to 1985 calls for the corner of Gordons Corner Road and Route 520, owned by the widow of the late Mayor Chester, again to prove a point, the corner in question is marked with a blue circle which means local government facility, at the intersection of Gordons Corner Road and Route 520. Utility costs for that site are somewhat higher but the site is exceptionally pretty, the Council has rejected this site.

The 1970 Master Plan enacted by the Planning Board under the Chairmanship of Mr. Jack Goldstein calls for either or both sides of Route 79 just north of Marlboro Village, that map, it shows right here, an area slightly north of our present Municipal Center. I support this site selection as being outstanding with both water and sewer already on the property which means we'll save another \$50,000.

My other site preferences are all in the center portion of the Township on or near Route 79 starting at a northerly point at Conover Road and at a southerly point at Route 520. All are exceptionally beautiful.

Any of the above sites will cost between \$40,000 and \$50,000.

Gentlemen of the Council I have just stated why it is illogical for you to feel that the Traphagen site is the best site in town. I can understand some of the views that have been expressed already. Gentlemen, your condemnation, in the opinion of Mr. Minogue will cost \$77,000.00. In the opinion of outside condemnation experts it could cost as much as between \$185,000 and \$230,000, if we were to lose either of the two suits involving these litigants. As I mentioned I have just received a bill for legal services for \$5,000 from Mr. Carton who used to be our Planning Board attorney for taking depositions on the

Traphagen case. How much more do we have to pay? I believe that the people of Marlboro Township say that it is time to stay out of the courts and settle any differences by negotiations between the various parties concerned.

Please, as Mayor, I say to you, please do not act upon this Ordinance without negotiations either between Mayor Traphagen, the President of this company and yourselves or between, at the very least Gentlemen, the members of the Planning Board and yourselves. Please consider the various alternatives that I have suggested, particularly included, the five individual sites which I will be pleased to discuss at length with you, which we may acquire and have built far before the legal battles are over in this case, so that I may avoid the reluctant use of my statutory veto.

Thank you."

Following the Mayor's prepared statements, Councilmen Czerny, Brodniak, McLaughlin and Williams reiterated their reasons for disagreeing with the Mayor's comments and Councilman Grossman's view. The resolution was thereafter adopted on the following roll call vote:

Ayes: Councilmen Czerny, McLaughlin, Williams and Brodniak
Nays: Councilman Grossman.

The Mayor stated for the record that he intended to veto the Ordinance.

At this time the Chair called for a short recess. The meeting was again called to order at 10:48 P.M.

PUBLIC HEARING: Ordinance #2-71. "AN ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO (1971)"

(Reprints of the ordinance were available for the public.)
The Chair opened the hearing to the public and as no one wished to speak on the Ordinance the Chair asked for a motion that the public hearing on Ordinance #2-71 be brought to a close. So moved by Councilman Grossman, seconded by Councilman McLaughlin and passed unanimously on roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #45-71

BE IT RESOLVED BY the Council of the Township of Marlboro

This Is a Reprint of The Asbury Park Press

ORDINANCE #2-71
AN ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO (1971)

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, New Jersey:

SECTION 1. The salaries of the hereinafter designated Township Officers and Employees shall be in accordance with this schedule:

Mayor	\$1,500.00 per annum
Councilman	1,500.00 per annum
Office of the Township Clerk	
Township Clerk	8,500.00 per annum
Deputy Clerk	5,500.00 per annum
Department of Administration	
Business Administrator	18,000.00 per annum
Secretary to Business Administrator	5,500.00 per annum
Clerk-Typist	5,500.00 per annum
Clerk-Typist (part time)	2.75 per hour
Mayor's Secretary	6,500.00 per annum
Division of Police	
Secretary	5,500.00 per annum
Special Police	2.75 per hour
Police Matron	2.75 per hour
School Crossing Guards	2.75 per hour
Division of Public Roads, Streets and Sanitation	
Road Supervisor	10,500.00 per annum
Mechanic	8,280.00 per annum
Foreman-Heavy Equipment Operator	8,280.00 per annum
Heavy Equipment Operator	7,500.00 per annum
Truck Driver	7,350.00 per annum
Laborer (over one year)	5,750.00 per annum
Laborer	5,200.00 per annum
Division of Welfare	
Director of Welfare	1,500.00 per annum
Department of Finance	
Director of Finance	3,500.00 per annum
Division of Collection	
Tax Collector	7,500.00 per annum
Assistant Tax Collector	6,000.00 per annum
Clerk (part time)	2.50 per hour
Division of the Treasury	
Treasurer	7,500.00 per annum
Bookkeeper	6,500.00 per annum
Clerk (part time)	2.75 per hour
Division of Health	
Sanitary Inspector	2,500.00 per annum
Plumbing Inspector	3,500.00 per annum
Registrar of Vital Statistics	1,400.00 per annum
Secretary	300.00 per annum
Office of the Tax Assessor	
Tax Assessor	11,000.00 per annum
Assessing Clerk (part time)	2.75 per hour
Other Boards, Agencies & Officers	
Building Inspector-Zoning Officer	10,500.00 per annum
Municipal Court	
Municipal Judge	4,500.00 per annum
Court Clerk	5,000.00 per annum
Asst. Court Clerk	2.75 per hour
Dog Warden	600.00 per annum
Planning Board Clerk	1,000.00 per annum
Zoning Board of Adjustment Secretary	1,000.00 per annum

SECTION 2. All officers and employees having a fixed salary of less than \$4,000.00 per annum shall be deemed to be part time and their salaries shall be paid monthly. All full time officials and employees shall be paid semi-monthly. Overtime pay for employees of the Division of Public Roads, Streets and Sanitation shall be paid at the rate of one and one-half their hourly rates after 40 hours per week.

SECTION 3. All salaries and wages earned herein shall be retroactive from January 1, 1971.

SECTION 4. The following shall be holidays for all Township Departments: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Election Day, General, Veterans' Day, Thanksgiving Day, Christmas Day. When said holiday falls on a Saturday, it shall be celebrated as of the preceding day; and on a Sunday, it shall be celebrated as of the following day. Any full time employe of the Township who works on any holiday for the Township shall be granted one day's leave with pay, or an extra day's pay at his regular rate of pay, at the discretion of the Business Administrator.

SECTION 5. All salaries shall be in lieu of fees, which shall be paid to the order of Marlboro Township.

SECTION 6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 7. This ordinance shall take effect immediately upon its publication and passage according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held February 25, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on March 11, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(850.56) 11083

that an ordinance entitled:

ORDINANCE #2-71 "AN ORDINANCE FIXING
THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO (1971) "

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law.

BE IT FURTHER RESOLVED that it is hereby declared to be an emergency and therefore the above Ordinance shall take effect immediately upon approval by the Mayor and publication thereof."

Seconded by Councilman Grossman.

Councilman Grossman made a motion that the Ordinance be amended to include the custodian at \$2.75 per hour. Seconded by Councilman McLaughlin and passed unanimously on a roll call vote.

After a brief discussion Councilman Grossman made a motion to amend the amendment to include the custodian at \$3,300 per year and Environmental Health Officer at \$1,680 per year. Seconded by Councilman McLaughlin. After a brief discussion in regard to the holidays listed in the ordinance whereby the Mayor asked that the minutes show that our intent is to conform to State holidays the motion passed unanimously on a roll call vote.

The resolution was thereafter adopted unanimously on a roll call vote.

UNFINISHED BUSINESS: Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #46-71

"WHEREAS, the Council on June 25th, 1970 approved a minor subdivision for Frank Jastrzebski for Block 26 Lot 38; and

WHEREAS, the Planning Board did not deliver the signed subdivision map to the subdivider until February 11th, 1971; and

WHEREAS, the subdivider desires to file said map in the Monmouth County Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro that the aforesaid minor subdivision for Frank Jastrzebski be and the same is hereby re-approved;

And be it further resolved that extension is hereby granted to the subdivider to file in the Monmouth County Clerk's Office the aforesaid subdivision map for Block 26 Lot 38 within a period of 90 days from the date of this resolution."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #47-71

"WHEREAS, the Council on December 4th, 1970 approved a minor subdivision for Gordon and Robert Swanson for Block 24, Lot 2; and

WHEREAS, the signed subdivision map was not delivered to the subdivider until March 2, 1971; and

WHEREAS, the subdivider desires to file said map in the Monmouth County Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro that the aforesaid minor subdivision for Gordon and Robert Swanson be and the same is hereby re-approved;

And be it further resolved that extension is hereby granted to the subdivider to file in the Monmouth County Clerk's Office the aforesaid subdivision map for Block 24, Lot 2 within a period of 90 (ninety) days from the date of this resolution."

Seconded by Councilman Williams and adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #48-71

"WHEREAS, U.S. Home and Development Corporation, as obligor and Summit Fidelity Insurance Co. as surety furnished to the Township of Marlboro, subdivision performance bonds covering subdivisions known as U.S. at Marlboro East, Sections 2, 6, 7, 16, 17, 18, 19 and 20; and

WHEREAS, the Council by resolution No. 37-69 reduced the face amount of the subdivision bonds covering Sections 2, 6, 7, 16, 17, 18 and 19 by reason of the satisfactory installation of a portion of the improvements in said subdivisions; and

WHEREAS, U.S. Home & Development Corporation has requested release of the aforesaid subdivision performance bonds; and

WHEREAS, the Township Engineer has inspected the aforesaid subdivisions and has submitted a report to the Township Council dated January 13th, 1971 listing the improvements still remaining to be done in said subdivisions; and

WHEREAS, the Township Engineer by letter dated February 3rd, 1971 recommended that none of the aforesaid subdivision bonds be reduced or released;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the request for release of the aforesaid subdivision bonds by U.S. Home & Development Corporation be and the same is hereby rejected and that copies of this resolution together with copies of the aforesaid reports dated January 13th, 1971 be forwarded to U.S. Home & Development Corporation and Summit Fidelity and Surety Company by the Township Clerk by certified mail, return receipt requested, within ten days of the date hereof.

BE IT FURTHER RESOLVED, that U.S. Home & Development Corporation be advised that in addition to the requirements set forth in the aforesaid reports of the Township Engineer, the Township further requires that as a condition for the release of the aforesaid bonds, there shall be paid to the Township of Marlboro the balance due the Township of Marlboro pursuant to Section IV (g) of the Marlboro Township subdivision ordinance requiring 5 percent of the estimated cost of the improvements in said subdivisions covering the cost of engineering, supervision and inspection and the cost of all inspection fees of the Township Engineer incurred in making the foregoing inspection together with the maintenance bond required by the Township subdivision ordinance."

Grossman

Seconded by Councilman/and adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #50-71

"WHEREAS, the Manalapan Township Planning Board has under consideration a site plan for a planned retirement community known as Covered Bridge, to be located near the border of Manalapan Township and Marlboro Township near the vicinity of Union Hill Road, and

WHEREAS, the Council has considered the probable effect of a development of this magnitude on the residents of Marlboro Township who reside in proximity to said development and its effect upon utilities which jointly serve the two municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Council urge the Manalapan Township Planning Board in its action upon said site plan to consider the following factors which will have or are likely to have an adverse affect on residents in Marlboro Township, and the following recommendations:

1. That consideration be given to the increase in traffic which will occur along Union Hill Road which is already a hazardous driving area and in particular the width of said road and its present speed limit in Manalapan Township which is more than the Marlboro Township limit of 25 m.p.h.
2. That provision be made for correcting a blind spot for drivers in both directions on Union Hill Road at the hill near the Manalapan-Marlboro border from Lindsay Drive.
3. That a buffer zone be established of at least 150 feet and dense plantings be required between the proposed development and the homeowners bordering the same in Marlboro Township in order to afford adequate privacy and protection. Further that the Board investigate the proposed use of the pie-shaped "no-man's land".
4. That proper and adequate assurances be provided that the water and sewer utilities which will serve the development are adequate as to their capacity so that residents of Marlboro will not be adversely affected by an additional use of said facilities. That the Marlboro Township Utilities Authority be afforded the opportunity to review any changes in the water and sewer systems which would affect Marlboro Township residents.
5. That no access to the development off Union Hill Road be permitted and that a cul-de-sac be substituted.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded by the Marlboro Township Clerk to the Secretary of the Manalapan Township Planning Board with a request that said resolution be spread upon the minutes of said Planning Board."

Seconded by Councilman McLaughlin.

DISCUSSION: Councilman McLaughlin spoke of the sewerage and water facilities in relation to the Manalapan Planned Retirement Community possibly affecting Marlboro residents in an adverse way.

Councilman McLaughlin offered an amendment to the resolution in Paragraph 3 that after the words Planning Board insert the words "and the Township Committee in their actions" and in the last Paragraph after the words Planning Board insert the words "and the Township Clerk and the Township Committee". The motion was seconded by Councilman Grossman and passed unanimously on a roll call vote.

The resolution as amended was thereafter adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #51-71

"BE IT RESOLVED by the Council of the Township of Marlboro that Councilmen Lawrence Grossman, John H. Williams, Judith Czerny and Business Administrator Bernard M. Hartnett be appointed as a building committee to meet and consult with Richard O. Boyken, Architect with regard to the design of the Proposed Municipal Building."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #52-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Marlboro Fire Co., Inc. be granted a Raffle License for

June 26, 1971, for an off premise raffle in accordance with their Application No. RA:127."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #53-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the St. Gabriel's Church be granted a Raffle License for June 12, 1971, for an off premise raffle in accordance with their Application No. RA:128."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #54-71

"WHEREAS Levitt & Son have erroneously paid taxes on Block 81-C, Lot 1 in the amount of \$1,056.07 for 1971;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the amount of \$1,056.07 as above be returned to Levitt & Son."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #55-71

"WHEREAS, Dominick and Carmelia Manzo have overpaid taxes on Block 33, Lot 35 in the amount of \$19.18 for 1st half of 1971;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the amount of \$19.18 as above be returned to Dominick & Carmelia Manzo."

Seconded by Councilman Williams and adopted unanimously on a roll call vote.

Councilman Czerny offered the bill paying resolution #56-71, copy of same is attached hereto. Seconded by Councilman Williams and after Councilman Grossman was assured by the Mayor that the approval stamp would be affixed on those vouchers not already stamped the resolution was adopted unanimously on a roll call vote.

APPROVAL OR CORRECTION AND APPROVAL OF MINUTES:

Councilman McLaughlin offered a motion to approve the minutes of December 14, and December 30, 1970 Council Meetings. The motion was seconded by Councilman Czerny and carried unanimously on a roll call vote.

Due to the lateness of the meeting the reading of Communications and Petitions was eliminated.

REPORT OF THE MAYOR: The Mayor's report included the following:

Noted receipt of reports from Municipal Court, Marlboro Reading Room, Welfare Department and Building Inspector.

Made note that a stop construction order had been issued by the Building Inspector on the Manzo Shopping Center on Route 79 because a permit had not been obtained from the Department of Transportation.

Noted receipt of a report from Mr. Carl Wheeler dated 3/9/71 that paving for Robertsville and Wyncrest Roads was on a high priority level.

Announced that the Road Department had put down 355 tons of cold patch between the period of 2/6/71 and 3/5/71 and noted receipt of Road Department report.

Made note of tax collection report for February 1971 with receipts of \$534,124.00.

Acknowledged receipt of a report from Mr. Preis to Councilman Grossman.

RESOLUTION 56-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Howard M. Schoor	Nov. retainer, add' work	\$	\$ 362.50
H. Barry Shultz, Esq.	Jan. retainer		200.00
Sprague's Oil Service	Gas, Jan. St.&Rds.	517.98	538.98
	Fuel Oil, Jan. St.& Rds.	21.00	
N.J. Bell Telephone	462-5713, Jan.		21.20
Matawan-Keyport Press	Printed cards, Admin.		51.20
Goldsmith Bros.	Copy Holder, Admin.		19.90
Mun. Finance Offic. Assoc.	Book, Admin of Local Gov Debt		12.50
Eastern Data Processing	Tax List Binders, Assessing		54.00
Ewing Galloway	Color Transparency, Ind. Comm.		150.00
Tom's Ford Inc.	Brake parts, Police		57.05
R & A Auto Body Shop	Repair Police car		938.33
Franklin's Garage	Kerosene		9.40
Matty's Auto Parts	Fuel Pump	25.10	214.10
	Gasket	9.74	
	Valve parts	28.26	
	Disc Brake pads	26.62	
	Switches	9.07	
	Drums	34.87	
	Bearings	27.83	
	Tools	26.49	
	Proto Extensions	13.78	
	Plugs	12.34	
A.S. Gilbert, Inc.	Bearings		23.82
International Salt Co.	Bulk Ice Control		495.14
Ind. Welding Supply	Oxygen		4.86

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
C. H. Roberson, Inc.	Wheelbarrow, St& Rds.		11.95
Lyncar Corporation	Ice Control Sand, Jan2-11		968.79
Manalapan Bookstore	Book, "Greening of Amer!"		7.95
Asbury Park-New York Transit	Bus rental for trips, Rec.		486.00
			<hr/>
			\$ 4,627.67

Offered by:

Czerny

Ayes:

5

Williams

Seconded by:

~~*Williams*~~

Nays:

0

The above Resolution was adopted this 11thday of March, 1971.

Teresa R. Eldridge
MILDRED F. ACKERMAN

CLERK

Teresa R. Eldridge
 Deputy Clerk

Joseph A. Brodniak
JOSEPH A. BRODNIAK
 COUNCIL PRESIDENT

He acknowledged a request from the Dept. of Finance for foreclosure of lien on Block 38, Lot 2 and that there is rental due on tax lien property at Block 38, Lot 38.

The Mayor asked for a Shade Tree Commission ordinance and for immediate action on a Gypsy Moth Program.

Noted that he had been advised by Mr. Lamura that the tax map correction for Route 18 will be \$2500.

After a brief public session the Chair asked for a motion for adjournment, so moved by Councilman McLaughlin, seconded by Councilman Williams and carried unanimously on a roll call vote.

The meeting adjourned at 11:45 P.M.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Teresa R. Eldridge
TERESA R. ELDRIDGE,
Deputy Clerk

Minutes approved: 5/27/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF MARCH 25, 1971

The regular meeting of the Marlboro Township Council of March 25, 1971 was called to order by Council President Brodniak at 8:15 P.M. at Central School. After a moment of silence President Brodniak led in the salute to our Flag.

ROLL CALL: Present: Councilmen Lawrence Grossman, Judith Czerny, John H. Williams and Joseph A. Brodniak.

Absent: Councilman McLaughlin

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind, Township Auditor Robert Eisner and Deputy Clerk Teresa R. Eldridge.

Council President Brodniak explained that Councilman John J. McLaughlin was away on a business trip and then he reviewed the agenda. He made mention of the rules to be heard for the Public Hearing on the Municipal Budget 1971 and then opened the meeting to the public.

PUBLIC HEARING: 1971 Municipal Budget.

Reprints were available of the budget for the public and a copy of same is attached hereto.

Mrs. Mary Denton asked about the transfers.

Mr. Martin Powers, 34 Halifax Drive, Morganville asked about loan monies for sewer and water facility purchase.

An explanation of the buy-back agreement was given by President Brodniak with comments by Councilman Grossman and Mayor Salkind.

Mark Kaylas, Morganville asked for an explanation of the deferred charges.

Spencer Halper, Sudbury Road wanted to know if there had been negotiated contracts for the salary and wage increases.

Mr. John Tergis, Gordons Corner Road asked for an explanation of the increased anticipated revenues.

Mr. J. Cohen, 7 Hill Circle, Marlboro questioned the amount of money designated to the Little League and election expenses.

Mr. Richard Harris, 33 Regina Road, Morganville asked if the attorney's fees included bonding ordinance fees.

1971
LOCAL MUNICIPAL BUDGET

Local Budget of the Township of Marlboro, County of Monmouth for the fiscal year 1971.

It is hereby certified that the budget annexed hereto and hereby made a part hereof is a true copy of the budget approved by resolution of the governing body on the 25th day of February, 1971, and that public advertisement will be made in accordance with the provisions of N.J.S.40A:4-6.

MILDRED F. ACKERMAN
Clerk
P.O. Box 55, Marlboro, N.J. 07746
Address
201-462-0059
Phone Number

Certified by me
This 25th day of February, 1971.

It is hereby certified that the approved budget annexed hereto and hereby made a part hereof is an exact copy of the original on file with the clerk of the governing body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

ROBERT EISNER
Registered Municipal Accountant
49 Woodbridge Ave., Highland Park, N.J. 08904
Address
201-572-1103
Phone Number

Certified by me
This 25th day of February, 1971.

LOCAL BUDGET NOTICE

Section 1.
Local Budget of the Township of Marlboro, County of Monmouth for the fiscal year 1971.
Be It Resolved, that the following statements of revenues and appropriations shall constitute the local budget for the year 1971.
Be It Further Resolved, that said budget be published in Asbury Park Press in the issue of March 11, 1971.
The governing body of the Township of Marlboro does hereby approve the following as the budget for the year 1971:

RECORDED VOTE
Ayes: CZERNY, GROSSMAN, WILLIAMS, BROADNIAK
Absent: MC LAUGHLIN

Notice is hereby given that the budget and tax resolution was approved by the Council of the Township of Marlboro, County of Monmouth, on February 25, 1971.
A hearing on the budget and tax resolution will be held at Central School, on March 25, 1971, at 3 o'clock P.M. at which time and place objections to said budget and tax resolution for the year 1971 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET	Year 1971	Year 1970
General Appropriations For:		
Municipal Purposes	1,127,923.62	963,915.52
Reserve for Uncollected Taxes—Based on Estimated 93 Percent of Tax Collections	287,547.48	258,253.00
Total General Appropriations	1,415,471.10	1,222,198.52
Less: Anticipated Revenues Other Than Current Property Tax (I.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)	1,294,065.16	1,074,441.55
Difference: Amount to be Raised by Taxes for Support of Municipal Budget:		
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	121,405.94	147,756.97

Summary of 1970 Appropriations Expended and canceled	General Budget
Budget Appropriations—Adopted Budget	1,222,198.52
Budget Appropriations Adopted by Chapter 159, P.L. 1948	None
Emergency Appropriations	92,100.00
Total Appropriations	1,314,298.52
Expenditures:	
Paid or Charged	1,145,450.13
Reserved	119,848.39
Unexpected Balances Canceled	49,000.00
Total Expenditures and Unexpended Balances Canceled	1,314,298.52
Overexpenditures	None

Explanation of Appropriations for "Other Expenses"
The amounts appropriated under the title of "Other Expenses" are for operating costs other than "Salaries and Wages." Some of the items included in "Other Expenses" are:
Material, supplies and nonbondable equipment.
Repairs and maintenance of building equipment, roads, etc.
Contractual services for garbage and trash removal, fire hydrant services, aid to volunteer fire companies, printing and advertising, utility services, insurance and many other items essential to the service rendered by municipal government.

	1971	1970	Increase or Decrease
Estimated		Actual	
Local School	\$2.80	\$2.47	+\$.33
Regional High School	1.33	1.14	+ .19
County	.95	.82	+ .13
Local Purpose	.15	.21	-.06
Veterans and Senior Citizens	.05	.05	
Total	\$5.28	\$4.69	+\$.59

CURRENT FUND — ANTICIPATED REVENUES

GENERAL REVENUES	Anticipated		Realized in Cash in 1970
	1971	1970	
1. Surplus Anticipated	500,000.00	480,000.00	480,000.00
2. Surplus Anticipated with Prior Written Consent of Director of Local Finance	100,000.00	109,500.00	109,500.00
Total Surplus Anticipated	600,000.00	589,500.00	589,500.00
3. Miscellaneous Revenues:			
Licenses:			
Alcoholic Beverages	2,300.00	1,950.00	2,334.00
Other	1,000.00	1,900.00	1,020.00
Fees and Permits:			
Building	11,100.00	21,000.00	11,118.00
Other	3,000.00	16,000.00	3,109.00
Fines and Costs:			
Municipal Court	19,400.00	7,400.00	19,482.35
State Road Aid—Formula Fund	4,800.00	4,800.00	4,800.00
State Road Aid—Construction Fund	8,000.00	9,000.00	9,000.00
State Road Aid—State Aid Road System Act of 1967	40,000.00		
Interest and Costs on Taxes	26,400.00	15,000.00	26,459.44
Bus Receipts Taxes	440.00	450.00	449.22
Franchise Taxes	104,400.00	87,000.00	104,482.50
Gross Receipts Taxes	77,809.00	59,000.00	77,847.78
Replacement Revenue—Business Personal Property (R.S. 54:11D)	27,776.00	27,776.00	27,776.00
State Sales Tax Aid Per Capita (R.S. 54:32B-30, Et. Seq.)	33,149.16	33,365.55	33,365.55
Interest on Investments	100,000.00	58,000.00	106,712.95
Motor Fuel Tax Refunds	2,100.00	1,900.00	2,170.49
State Highway Lighting	400.00	400.00	412.83
Total Miscellaneous Revenues	462,065.16	344,941.55	490,540.12
4. Receipts from Delinquent Taxes	232,000.00	140,000.00	217,653.78
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	1,294,065.16	1,074,441.55	1,297,733.50
6. Amount to be Raised by Taxes for Support of Municipal Budget:			
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	121,405.94	147,756.97	
Total Amount to be Raised by Taxes for Support of Municipal Budget	121,405.94	147,756.97	404,123.96
7. Total General Revenues	1,415,471.10	1,222,198.52	1,701,857.86

CURRENT FUND—APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations GENERAL GOVERNMENT:	Appropriated			Expended 1970		
	for 1971	for 1970	for 1970 By 1970 Emergency Resolution	Total for 1970 As Modified By All Transfers	Paid or Charged	Reserved
Administrative and Executive						
Salaries and Wages	59,665.00	49,800.00		43,300.00	37,377.08	922.92
Other Expenses	29,350.00	21,000.00		21,000.00	17,798.99	3,201.01
Ordinances and Revision of						
Ordinances-Contractual		9,500.00		9,500.00	3,900.00	5,600.00
Elections						
Salaries and Wages	350.00	300.00		300.00		300.00
Other Expenses	1,200.00	2,000.00		1,000.00	939.82	60.13
Financial Administration						
Salaries and Wages	20,250.00	11,500.00		12,300.00	12,234.49	65.51
Annual Expenses	8,500.00	7,500.00		7,500.00	7,000.00	500.00
Miscellaneous Other Expenses	1,000.00	1,000.00		1,200.00	760.76	439.24
Assessment of Taxes						
Salaries and Wages	13,750.00	12,500.00	45,000.00	11,800.00	11,782.00	18.00
Cost of Revaluation				45,000.00	23,143.00	21,857.00
Miscellaneous Other Expenses	3,050.00	5,000.00		5,000.00	3,213.38	186.62
Collection of Taxes						
Salaries and Wages	14,500.00	10,500.00		10,500.00	10,499.95	.05
Other Expenses	3,900.00	3,000.00		3,000.00	1,229.90	1,770.10
Liquidation of Tax Title Liens and Foreclosed Property						
Other Expenses	4,000.00	3,000.00		300.00	300.00	
Legal Services and Costs						
Other Expenses	30,000.00	20,000.00		29,000.00	26,944.15	2,055.85
Engineering Services and Costs						
Other Expenses	36,600.00	30,000.00		36,000.00	33,433.03	2,566.97
Public Buildings and Grounds						
Salaries and Wages	3,300.00	3,000.00		3,000.00	2,709.03	290.97
Other Expenses	10,500.00	9,800.00		9,800.00	7,114.73	2,685.27
Planning Board						
Salaries and Wages	1,000.00	1,000.00		1,000.00	1,000.00	
Other Expenses						
Major Subdivision and Site Plan Review	3,000.00	2,500.00		2,500.00	1,362.50	1,137.50
Miscellaneous Other Expenses	5,400.00	5,400.00		6,400.00	5,407.13	992.87
Zoning Commission						
Salaries and Wages		6,700.00		700.00	472.50	27.50
Other Expenses		1,600.00		1,600.00	95.50	4.50
Reviews of Master Plan-Zoning and Subdivision Ordinances-Contractual		10,400.00		10,400.00	8,866.00	1,534.00
Board of Adjustment						
Salaries and Wages	1,000.00	1,000.00		1,000.00	1,000.00	
Other Expenses	5,500.00	5,000.00		5,000.00	3,402.96	1,597.04
Industrial Commission (R.S. 40:55B)						
Other Expenses	12,000.00	21,000.00		15,500.00	8,218.88	7,281.12
Insurance	35,000.00	20,000.00		20,000.00	18,074.30	1,925.70
Public Relations						
Contractual		5,000.00		5,000.00		5,000.00
Public Safety						
Police						
Salaries and Wages	194,000.00	144,300.00		144,300.00	140,790.44	9.56
Other Expenses	58,000.00	49,200.00		49,200.00	36,644.19	5,555.81
School Crossing Guards						
Salaries and Wages	6,850.00	3,350.00	400.00	4,780.00	4,777.50	2.50
Other Expenses	500.00	150.00		150.00		150.00
First Aid Organization						
Contractual	10,000.00	20,000.00		10,000.00	10,000.00	
Purchase of Ambulance				10,000.00		10,000.00
Municipal Court						
Salaries and Wages	9,500.00	7,500.00		7,500.00	7,500.00	
Other Expenses	1,000.00	850.00	1,900.00	2,750.00	2,567.57	182.43
Inspection of Buildings						
Salaries and Wages	10,500.00	12,500.00		12,500.00	11,403.77	96.23
Other Expenses	1,200.00	1,500.00		1,500.00	1,349.53	150.47
Civil Defense and Disaster Control						
Other Expenses	500.00	500.00		500.00		
Streets and Roads						
Road Repairs and Maintenance						
Salaries and Wages	83,000.00	76,000.00		76,000.00	64,325.15	674.85
Other Expenses	95,000.00	82,000.00		82,000.00	57,083.36	14,916.64
Road Work-State Aid Formula Fund	5,500.00	35,000.00		35,000.00	35,000.00	
Street Lighting	30,000.00	25,000.00		25,000.00	22,582.06	2,417.94
Sanitation						
Sanitary Landfill						
Other Expenses	2,400.00	2,200.00		2,700.00	2,558.00	142.00
Municipal Utilities Authority						
Donation		5,000.00		5,000.00		5,000.00
Loan to Purchase Land			25,000.00	25,000.00	25,000.00	
Loan to Pursue Purchase of Village Water Co. and Pine Brook Sewer Co.	10,000.00					
Health and Welfare						
Board of Health						
Salaries and Wages	9,980.00	6,500.00		7,370.00	7,360.12	9.88
Other Expenses	3,950.00	5,000.00		5,000.00	2,911.95	588.05
Services of Monmouth County Office						
Social Services-Contract (R.S.40:13-1)	5,000.00	4,500.00		4,500.00	4,500.00	
Administration of Public Assistance						
Salaries and Wages	1,500.00	2,000.00		2,000.00	1,250.03	49.97
Other Expenses	350.00	350.00		350.00	115.02	234.98
Public Assistance (State Aid Agreement)	100.00	100.00		100.00		100.00
Aid to Hospitals	20,000.00	12,500.00		12,500.00	12,500.00	
Recreation and Education:						
Board of Recreation Commissioners (RS 40:12-1)						
Salaries and Wages	23,700.00	6,000.00	4,200.00	11,700.00	9,682.00	2,018.00
Other Expenses	10,000.00	6,500.00	5,600.00	10,100.00	6,733.83	3,366.17
Summer Youth Activities Program						
Salaries and Wages	4,000.00		6,500.00	6,500.00	6,288.00	212.00
Other Expenses	1,000.00		3,500.00	3,500.00	832.38	147.62
Little League-Contribution	2,500.00					
Pop Warner Football-Contribution	1,500.00					
Rainbow League-Contribution	500.00					
Expense of Participation in						
Free Public Library						
Other Expenses	300.00	300.00		300.00	79.48	220.52
Total Operations (Item 8(A))	905,145.00	787,800.00	92,100.00	876,400.00	722,134.46	108,265.54
(B) Contingent	1,000.00	3,265.21		3,265.21	177.38	87.83
Total Operations Including Contingent	906,145.00	791,065.21	92,100.00	879,665.21	722,311.84	108,353.37
Detail:						
Salaries and Wages	456,845.00	354,450.00	11,100.00	356,550.00	330,452.06	4,697.94
Other Expenses (Including Contingent)	449,300.00	436,615.21	81,000.00	523,115.21	391,859.78	103,655.43
(C) Capital Improvements						
Capital Improvement Fund	32,500.00	50,000.00		50,000.00	50,000.00	
Road Construction or Reconstruction with State Aid	9,000.00	10,000.00		10,000.00	10,000.00	
Improvement of Roads—State Aid Road System Act of 1967	53,333.33	12,500.00		12,500.00	12,500.00	
Land Acquisition—Municipal Building						
Total Capital Improvements	94,833.33	72,500.00		72,500.00	72,500.00	

(D) Municipal Debt Service					
Interest on Bonds	17,500.00				
Interest on Notes	2,250.00				
Total Municipal Debt Service	19,750.00				
(E) Deferred Charges and Statutory Expenditures—Municipal					
(1) DEFERRED CHARGES:					
Emergency Authorizations	47,100.00	39,614.95	39,614.95	39,614.95	
Special Emergency Authorizations— 5 Years (40A:4-55)	9,000.00	4,000.00	4,000.00	4,000.00	
Special Emergency Authorizations— 3 Years (40A:4-55.1) (4040A:4-55.13)	20,833.33	33,333.33	33,333.33	33,333.33	
Overexpenditures — 1967		2,087.32	2,087.32	2,087.32	
Appropriation Reserves		109.92	109.92	109.92	
Overexpenditures — 1969					
Overexpenditures — 1968					
Appropriation Reserves	2,261.96	1,734.79	1,734.79	1,734.79	
Prior Years' Bills					
(2) STATUTORY EXPENDITURES:					
Contribution to:					
Public Employes' Retirement System	8,000.00	7,500.00	7,500.00	7,500.00	7,500.00
Social Security System (O.A.S.I.)	20,000.00	12,000.00	15,500.00	11,504.98	3,995.02
Total Deferred Charges and Statutory Expenditures — Municipal	107,195.29	100,380.31	103,880.31	97,385.29	11,495.02
(H) Total General Appropriations for Municipal Purposes (Items 8(A) to (G) inclusive)					
	1,127,923.62	963,945.52	92,100.00	1,056,045.52	887,197.13
(L) Subtotal General Appropriations (Items (H) and (K))					
	1,127,923.62	963,945.52	92,100.00	1,056,045.52	887,197.13
(M) Reserve for Uncollected Taxes					
	287,547.48	258,253.00	258,258.00	258,253.00	
9. Total General Appropriations	1,415,471.10	1,222,198.52	92,100.00	1,314,298.52	1,145,450.13

**APPENDIX TO BUDGET STATEMENT
CURRENT FUND BALANCE SHEET DECEMBER 31, 1970**

Assets		
Cash and Investments		2,050,627.61
State Road Aid Allotments Receivable		65,223.92
Receivables with Offsetting Reserves:		
Taxes Receivable		302,957.34
Tax Title Liens Receivable		92,392.76
Other Receivables		950.59
Deferred Charges Required to be in 1971 Budget		79,195.29
Deferred Charges Required to be in Budgets Subsequent to 1971		56,833.34
Total Assets		2,648,180.85
Liabilities, Reserves and Surplus		
*Cash Liabilities		1,540,767.89
Reserves for Receivables		396,300.69
Surplus		711,112.27
Total Liabilities, Reserves and Surplus		2,648,180.85

COMPARATIVE STATEMENT OF CURRENT FUND OPERATIONS AND CHANGE IN CURRENT SURPLUS

	Year 1970	Year 1969
Surplus Balances January 1st	686,616.43	397,291.73
Current Revenue on a Cash Basis:		
Current Taxes (Percentage collected: 1970, 93%; 1969, 93%)	3,342,780.00	2,697,080.31
Delinquent Taxes	217,693.78	149,849.95
Other Revenue and Additions to Income	575,876.62	466,536.48
Total Funds	4,822,966.83	3,710,758.47
Expenditures and Tax Requirements:		
Municipal Appropriations	1,007,045.52	865,314.87
School Taxes (Including Local and Regional)	2,479,057.58	1,722,381.51
County Taxes (Including Added Tax Amounts)	606,852.46	494,731.64
Special District Taxes	110,999.00	71,498.42
Other Expenditures and Deductions from Income		12,202.43
Total Expenditures and Tax Requirements	4,203,954.56	3,166,128.87
Less: Expenditures to be Raised by Future Taxes	92,100.00	141,986.83
Total Adjusted Expenditures and Tax Requirements	4,111,854.56	3,024,142.04
Surplus Balance December 31st	711,112.27	686,616.43
School Tax Levy Unpaid	1,239,100.00	
Less: School Tax Deferred	60,000.00	
*Balance Included in Above "Cash Liabilities"	1,179,100.00	
Proposed Use of Current Fund Surplus in 1971 Budget		
Surplus Balance December 31, 1970	711,112.27	
Current Surplus Anticipated in 1971 Budget:	600,000.00	
Surplus Balance Remaining	111,112.27	

Mr. Ed Adams asked where reserves go at the end of the year.

Mr. Martin Powers wanted to know if a Township can retain an attorney at a fixed fee basis. He stated that it becomes economically feasible to offer Mr. Minogue a yearly fixed fee.

Some time after this meeting but prior to the preparation of these minutes the Mayor requested that his following statement be made a part of these minutes. "This is probably the most basic issue, I think, in terms of financial integrity in the Township at the moment. I'm not going to cast any personal, professional aspersions at the present moment, I'm only going to talk about money." He continued to speak about the fees paid to our Attorney and Engineer and said the town could obtain more available local services at less cost.

Mr. J. Cohen wanted to know if the township had paid for any part of the revaluation.

Mr. Halper asked if we anticipated the same legal and engineering expenditures as last year.

Mrs. Alice Ryer, 11 Prescott Drive, Marlboro questioned the town hiring a full time lawyer on a fixed fee.

Mr. Erin Gerber, 4 Belaire Road asked if fees are a matter of public record.

Mr. Frank Panzer, 6 Concord Road asked if Mr. Minogue gave a detailed hourly record for amounts charged.

Mrs. Sheila Gross wanted to know if the attorney's hourly fee was negotiated.

Mr. Robert French, 26 Jacata Road, Marlboro questioned the attorney and engineer's fees.

Mr. Eli Belil also questioned the engineer's fees.

Mr. Hartnett, Connolly Road said the citizens of the town might have to form a taxpayer's group to withhold municipal taxes.

Mr. George Ruzicka, Wendy Lane stated that he wished people had scrutinized the school budget which was \$4.00 as well as they were scrutinizing the municipal budget which is only \$.15.

Mr. Martin Powers submitted to Council that prior to the passing of the budget the engineer and attorney be offered a fixed fee contract.

Mr. Halper, asked if there were any binding contracts between the attorney and the engineer.

Mrs. Lorraine Fein, Marlboro questioned the condemnation fees going beyond \$5,000.00 if attorneys are changed.

Mr. Howard Klau, Marlboro wanted to know how much to date have the legal fees been.

Mrs. Alice Ryer asked what the procedure would be to hire a full time lawyer and engineer.

Mr. Halper asked that the budget action be held in abeyance.

Mr. Tom Sathhoff, Topenemus Road asked how the attorney arrived at his legal fee.

Mrs. Ryer suggested there be no vote on the budget since Mr. McLaughlin is not here to vote on the condemnation.

The Chair asked that the Public Hearing on the budget be brought to a close. So moved by Councilman Williams seconded by Councilman Czerny and passed unanimously by those present.

The Chair asked for a short recess. The meeting was called to order at 10:35 P.M.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #57-71

"BE IT RESOLVED by the Council of the Township of Marlboro, County of Monmouth that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of (a) \$121,405.94 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

1.	GENERAL REVENUES		
	Surplus Anticipated	\$	600,000.00
	Miscellaneous Revenue		
	Anticipated	\$	462,065.16
	Receipts from Delinquent		
	Taxes	\$	232,000.00
2.	AMOUNT TO BE RAISED BY TAXATION		
	FOR MUNICIPAL PURPOSES	\$	121,405.94
	Total Revenues	\$	<u>1,415,471.10</u>

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman said he would like to have the suggestion of a full time engineer and attorney studied and enacted upon. Mayor Salkind stated his opinions as to the present engineering fees and the hiring of a full time engineer. Councilman Czerny stated that she felt that one engineer could not possibly do all of the work that Marlboro Township needs of an engineer.

The Mayor stated that Freehold Township employs a full time engineer for \$16,500 per year. The resolution was thereafter adopted unanimously by those present on a roll call vote.

Council action on the adoption of Ordinance #23-70 was withheld pending receipt of the Planning Board's recommendations.

The Chair asked for a motion to table action to override the Mayor's veto of Ordinance #1-71, so moved by Councilman Czerny and seconded by Councilman Williams.

At this point in the proceedings Mr. Robert French approached the Council table and presented a petition to the Council which he said contained 2065 signatures that asked Council to sustain the Mayor's veto of Ordinance #1-71. The Petition was filed with the Deputy Clerk.

Mayor Salkind called for a sustaining of his veto. Councilman Czerny stated that she saw no harm in tabling action now. Councilman Williams offered an amendment to the motion to table action to override the Mayor's veto until the next Council meeting of April 8th. Before his amendment to the motion could be seconded members of the Public demanded the return of the Petition. Mr. Minogue ruled that Petitions can be returned if the Council voted to do so.

Councilman Czerny then seconded the motion to the amendment and the motion as amended was passed on the following roll call vote:

Ayes: Councilmen Williams, Czerny and Brodniak
Nays: Councilman Grossman
Absent: Councilman McLaughlin

Councilman Grossman made a motion to return the Petition to Mr. French until such time as he wished to present it to the Council. Seconded by Councilman Czerny.

President Brodniak felt Council should not return the Petition in order to give Council an opportunity to see them. The motion failed on the following tie roll call vote:

Ayes: Councilmen Grossman and Czerny
Nays: Councilmen Williams and Brodniak

The Public demanded the return of the Petition and Mr. French asked Mr. Minogue if the manner of presentation had been legal. Mr. Minogue replied that it was a legal action. The Public became quite out of order. Mayor Salkind said that he would hold the Petition in the Municipal Office but he felt they were the property of the people who signed them. The Public continued out of order, the Mayor continued to speak and the Chair attempted to call a recess. Councilman Williams moved to adjourn the meeting, seconded by Councilman Czerny, the Chair called for a

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roll call vote but the clerk was prevented from calling the roll by the Mayor who said it could not be called. Councilman Grossman asked Mr. Minogue for a ruling. Mr. Minogue stated that a motion to adjourn takes precedence over any other action. Councilman Grossman felt that everything had gotten out of hand and said to give back the Petition if Mr. French wanted it and to go on with the other business of the meeting. The Chair asked for a motion that the roll call be tabled on the motion to adjourn but warned that if there were any further disruptions the roll call would be taken. Councilman Williams said he would like to go on with the meeting if they were allowed to do so and moved a motion to that effect, seconded by Councilman Czerny and passed unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #60-71

"BE IT RESOLVED by the Council of the Township of Marlboro, that the title of the position of Patricia Wapelhorst who was previously appointed on February 25th, 1971 be changed to that of Deputy Municipal Court Clerk instead of Assistant Municipal Court Clerk."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #61-71

"WHEREAS, Gilbert J. Robinson applied to the Marlboro Township Planning Board (PB 71-39) for approval of a minor subdivision on Block 24, Lot 3, located at Reids Hill Road subject to the required approval from the Marlboro Township Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the minor subdivision of land shown on "Minor Subdivision Map, Property Situated in Marlboro Township, Monmouth Co., N.J. prepared for Gilbert J. Robinson, Prepared by George T. Lucas, Perth Amboy, N.J." dated January 9, 1971 be and the same is hereby approved, and the Mayor and Clerk be and they are hereby authorized to sign said subdivision map."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

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RESOLUTION #62-71

"WHEREAS, John Marz applied to the Marlboro Township Planning Board (PB 71-40) for approval of a minor subdivision on Block 46, Lot 7, located at Route 79 and Pleasant Valley Road subject to the required approval from the Marlboro Township Council:

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Marlboro that the minor subdivision of land shown on "Sketch Plat of Property Situate in Marlboro Township, Mon. Co., N.J." dated December 23, 1970, revised January 22, 1971 "To Show Strip Dedicated to County" prepared by Karl F. Heuser Associates, Matawan, N.J. be and the same is hereby approved, and the Mayor and Clerk be and they are hereby authorized to sign said subdivision map."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #63-71

"WHEREAS, Hovnanian & Company, as obligor and International Fidelity Insurance Company as surety, furnished to the Township of Marlboro subdivision performance bond no. 2443 in the amount of \$78,174.50 covering a subdivision known as Holiday North, Marlboro Section; and

WHEREAS, the said obligor has requested release of the aforesaid subdivision performance bond; and

WHEREAS, the Township Engineer has inspected the aforesaid subdivision and has submitted a report to the Township Council dated March 4, 1971 listing the improvements still remaining to be done in said subdivision; and

WHEREAS, the Township Engineer by letter dated March 18, 1971 recommended that said bonds be neither reduced or released;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the requested bond release of the aforesaid subdivision bond by Hovnanian & Company be and the same is hereby rejected and that copies of this resolution together with copies of the aforesaid report dated March 12, 1971 be forwarded to Hovnanian & Company, P.O.Box 500, Englishtown, New Jersey 97726 and to International Fidelity Insurance Company by the Township Clerk by certified mail, return receipt requested within 10 days of the date hereof."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #64-71

"WHEREAS, the Matawan Chapter of Deborah Hospital is planning a Tag Week May first through May tenth and;

WHEREAS, said Chapter has applied to the Township Council to grant permission for them to conduct said Tag Day in Marlboro Township;

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Marlboro that said permission is hereby granted."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #65-71

"WHEREAS, Adrian & Delia Romero, Block 58-F, Lot 1, have over-paid their 1970 taxes in the amount of \$502.61 due to an error in billing;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the amount of \$502.61 as above be returned to Adrian & Delia Romero."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #66-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the following budget transfers be made in the 1970 budget:

FROM: Administration and Exec S & W	\$	200.00	
Elections S & W		300.00	
Collection of Taxes O E		200.00	
Assessors O E		140.00	
Public Bldg & Grounds S & W		290.00	
Insurance O E		350.00	
Police O E		475.00	
Sanitation O E		142.00	
Streets and Roads S & W		670.00	
Streets and Roads O E		340.00	
Board of Health O E		260.00	
Library O E		188.00	
Industrial Commission O E		1565.00	
Total	\$		5120.00

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TO: Planning Board O E \$ 5120.00
Total\$ 5120.00

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered Resolution #67-71 the Bill Paying Resolution (copy of which is attached) and urged its adoption. Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Grossman made a motion that the Petitions that were handed to the Council by Mr. Bob French be returned to him until such time as he wishes to return them to Council. The motion was seconded by Councilman Williams and after a comment by President Brodniak reiterating his previous argument that Council should be allowed to study the petitions' contents the motion passed on the following roll call vote by those present:
Ayes: Councilmen Grossman, Williams and Czerny
Nays: Councilman Brodniak

The Chair asked for a Roll Call on the motion to adjourn the meeting. The motion passed unanimously on the roll call vote by those present. The meeting adjourned at 11:50 P.M.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Teresa R. Eldridge
TERESA R. ELDRIDGE,
Deputy Clerk

minutes approved: 10/18/71

RESOLUTION # 67-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Leon S. Avakian, Inc.	Tax Map prints	\$ 18.00	
	Rev. Election Dist.		397.40
	Maps	55.00	
	Insp. Feb. Levitt	342.40	\$ 415.40
James R. Minogue, Esq.	Misc. Legal Feb.		1400.00
H. Barry Shultz, Esq.	Retainer Feb. Plan. Bd		200.00
Howard M. Schoor	Retainer Jan. Plan. Bd		200.00
Community Consultants Corp.	Zoning Map revision prints		24.00
N.J. Bell Telephone Co.	462-0059 to 3/4	430.84	
	536-4444 to 3/1	25.16	
	431-1111 to 2/19	370.17	
	462-5713 to 3/4	15.63	
	431-1734 to 2/19	7.30	849.10
N.J. Natural Gas Company	4990 1/21-2/19	4.77	
	4978 1/21-2/19	212.23	217.00
Jersey Central Power & Light	3599 & 3608 to Feb	246.62	
	3420 1/26-2/25	46.79	
	Street Light Feb.	2578.41	2871.82
Lester Heulitt	Ins. for Bonds & Cars		4831.66
Collins & Smith Inc.	Liability Ins. 1971		3215.00
Allen Warren Associates	Brochures & Ad Space		3637.50
A. R. Meeker Co.	Mimeo paper & Supplies		205.25
A. & A Coffee Service	Coffee Kit		24.00
Monarch Warehouse Co.	Moving Xerox		25.00

<u>AYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Modern Print Service	Envelopes		86.00
J.I. Farley Printing Serv.	Collating & Stitching		292.00
Norma Saathoff- Petty Cash	Admin,Coll,Insp of Bldg, Bldgs&Gr, St&Rd,Bd.of Health		47.15
Rutgers U Bureau Gov. Research	Book, Mun. Governing Body		10.00
Mun. Finance Officers Assoc.	Conference 5/30-6/3		102.00
Fox & Bottone Data Process.	Changes in Tax Books		281.67
The Daily Register	Ad for Assessing		16.00
Mon.& Ocean Cnty Tax Coll.& Treasurers Assoc.	Dues 1971		25.00
Kepwel Spring Water Co.	25 Gal. water		7.50
White's Hardware	Wax for Bldg&Gr.		11.10
Sprague's Oil Service	Fuel Oil Bldg&GR	73.05	
	Kerosene, Police	19.57	
	Gas, Police	787.95	
	Gas, St & Rds.	240.51	
	Fuel Oil St & Rds.	13.50	1134.58
Philip Vota	Janitorial Service	44.00	
	Floor care, Police	98.50	142.50
Bayshore Stationers, Inc.	Ring Binders & Splies		58.32
Walter Heath Company	Batteries	50.40	
	Flashlights	47.64	98.04
Met Life Ins. Company	Police policies		377.50
Millers Stag Shop	Clothing for new police		118.40
Bay Automatic Transmission	Rebuilt Trans. car 63		175.00
Mullaney Tire Service	car 62,60,61,65 Tires		198.80
William Quinn & Son	Buckshot		106.50
Matty's Auto Parts Inc.	Sparkplugs & etc.	146.10	
	Bearings	27.09	
	Gaskets	36.38	
	Drum Oil	64.90	
	Plugs & Supplies	39.00	313.47
Franklin's Garage	Tire repairs		20.19
Joseph A. Mazzeo	Repair Radio		42.00

<u>DEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
The Cumming Co. Inc.	Auger	386.30	
	Bearings	20.36	406.66
Manzo Contracting Co.	Coldpatch to 2/9	713.38	
	Coldpatch to 2/18	609.50	1322.88
Mechanics' Uniform Rental	Feb. Rental Service		124.00
C. H. Roberson, Inc.	Shovels		27.16
Lyncar Corporation	Ice Control 2/19		243.70
International Salt Co.	Bulk ice control 2/8	395.68	
	Bulk ice control 2/4	481.18	876.86
V. E. Ralph & Son, Inc.	Chemical Inspection		6.00
N.J. State Dept. of Health	Dog Licenses		198.50

Total

\$ 24,985.21

Less
Total \$ 24,967.21

Offered by: *Cyreny* Ayes: *4*

Seconded by: *Grossman* Nays: *0*

Absent: *McLaughlin*

The above Resolution was adopted this 25th day of March, 1971.

Teresa R. Eldridge

~~MILDRED F. ACKERMAN~~
CLERK

Teresa R. Eldridge,
Deputy Clerk

Joseph A. Brodniak
JOSEPH A. BRODNIAK
COUNCIL PRESIDENT

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF APRIL 8, 1971

Council President Brodniak called the meeting of April 8, 1971 to order at 8:27 P.M. in the Central School, Marlboro Township and then led in the salute to our Flag.

At this time Mr. Herbert Schlesinger, 3 Robinson Road, Morganville interrupted the meeting by violently objecting to the presence of Mr. Minogue at the Council table since he is suing the Mayor. An uproar on the part of the public ensued. After the meeting was again called to order the roll was taken.

ROLL CALL: Present: Councilmen Lawrence Grossman, John J. McLaughlin, John H. Williams, Judith Czerny and Joseph A. Brodniak.

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind and Deputy Clerk Teresa R. Eldridge.

At this time President Brodniak replied to Mr. Schlesinger, "Mr. Schlesinger you are out of order, the thing that you're speaking about is a private matter, it is not a governmental matter at all and with that there will not be any more discussion about that particular suit."

Councilman Grossman said that he did not think the Township Attorney could adequately represent a man he was suing and asked if Mr. Minogue would voluntarily step down.

Mr. Minogue replied that there is no conflict, that he was suing Morton Salkind individually and as Township Attorney represented the Office of the Mayor. He said he would continue to advise the Office of the Mayor as he had in the past, that there is no ethical conflict and it was strictly a matter between two private individuals.

Councilman Grossman made the following motion: "I move that the Township Attorney, Mr. Minogue, be suspended for the duration of any legal action he has against any elected official

of the Township and at such time as that legal action is terminated the Council will then make a further determination whether they wish to re-instate him."

The motion failed for the lack of a second.

The public which had caused disruption from the beginning of this meeting with outbursts of shouting would not be called to order. President Brodniak attempted to call for the police but was shouted down by the public. After order was finally restored, Council President Brodniak said that if there wasn't law and order the police will be called.

Council President Brodniak then reviewed the agenda and gave a brief explanation of each item on it.

UNFINISHED BUSINESS:

Councilman McLaughlin offered the following resolution and urged its adoption:

68-71 (Motion to correct number)
RESOLUTION #~~57-71~~

"WHEREAS, the Council introduced and passed on first reading on December 30th, 1970 Ordinance No. 23-70 consisting of a complete and comprehensive zoning ordinance; and

WHEREAS, a public hearing on said proposed zoning ordinance was held January 29, 1971 and thereafter on other dates; and

WHEREAS, the Council following said public hearing determined that further amendments and corrections were necessary; and

WHEREAS, the Council adopted Resolution No. 34-71 amending and correcting proposed Ordinance No. 23-70, which resolution and the amendments and corrections were published in the Asbury Park Press March 4th, 1971; and

WHEREAS, a public hearing on said amendments and corrections was held March 11th, 1971; and

WHEREAS, the said resolution of amendment was referred to the Planning Board for its report and recommendation, which report and recommendation has been received,

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that an ordinance entitled:

"AN ORDINANCE FURTHER AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS OR ZONES AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THE CONSTRUCTION AND THE NATURE AND EXTENT OF THE USE OF LAND: PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE ESTABLISHING A BOARD OF ADJUSTMENT AND FIXING PENALTIES FOR VIOLATION IN THE TOWNSHIP OF MARLBORO" ADOPTED DECEMBER 16, 1965 AS AMENDED AND SUPPLEMENTED" as amended and corrected by Resolution No. 34-71

be and the same is hereby adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman questioned the amendments' adoption by resolution. Mr. Minogue stated that the Ordinance was amended by a resolution which amendments were published. Councilman Grossman voiced his objection to the OR zone and to the Industrial zones being zoned with large acreage requirements. Councilman McLaughlin brought out the fact that there is three acre zoning in the Industrial area along Route 79. and Council was embarking on a study regarding a Township owned Industrial Park.

Mayor Salkind reviewed the Planning Board's recommendations. Council President Brodniak stated that the Master Plan is not a command to Council, it is a recommendation for our consideration. Councilman McLaughlin said that the Ordinance is a comprehensive one and is a good plan for Marlboro Township as we need controlled growth. Mayor Salkind said he has no argument on the residential aspect but said something must be done to bring in industry.

Councilman Grossman then said he would like to point out 406.3.2 prohibits coal or wood burning for houses. After checking this out carefully, Mr. Minogue stated that the section in which the wood burning fireplaces is referred to is contained in Section 406 which is generally entitled "Performance Standards" and has application only to Industrial uses. Councilman McLaughlin said the section is needed for Industry.

At this time the chair asked for a roll call vote and the resolution was adopted on the following vote:

Ayes: Councilmen Czerny, Williams, McLaughlin and Brodniak
Nays: Councilman Grossman

Councilman Williams offered the following resolution and urged its adoption:

^{#69-71}
RESOLUTION #~~58-71~~ (Motion to correct number)

"BE IT RESOLVED by the Council of the Township of Marlboro that action on Ordinance #1-71 entitled:

"AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FOR USE AS A SITE FOR A MUNICIPAL BUILDING AND OTHER MUNICIPAL PURPOSES IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$77,000 FROM THE CAPITAL IMPROVEMENT ACCOUNT AND THE CAPITAL IMPROVEMENT FUND TO FINANCE THE COST THEREOF"

be tabled until the regular Township Council meeting of April 22, 1971."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman questioned the change of date from May 27th as discussed in caucus and then offered his opinion that the Mayor's veto should be sustained. Councilman McLaughlin said that all we are asking is to table the measure until we can get a hearing date on the case, and that Council would not rush into something in a foolhardy way. He also said he wished Mr. French's petitions would be resubmitted so that he could examine them.

A discussion followed regarding the possible effects of the condemnation proceedings and the estoppel case, the petitions and the Mayor's veto, during which time the meeting became very disorderly. Mayor Salkind continued to speak on other matters not related to the ordinance at hand although President Brodniak repeatedly called the mayor out of order and attempted to move the regular order of business. After a period of total disorder during which President Brodniak left the room, returned, and above the turmoil called for a roll call vote. The resolution was adopted on the following vote:

Councilman Grossman did not answer the roll, although his name was called.

Ayes: Councilmen Czerny, Williams, McLaughlin and Brodniak

Nays: None

The turmoil continued and President Brodniak and Councilmen Czerny and Williams left the room. Councilman McLaughlin attempted to call the meeting back to order. Councilmen Czerny, Williams and Brodniak returned to their places at the Council table.

Above the continuing disorder, Council President Brodniak made a motion to adjourn the meeting. Motion seconded by Councilman McLaughlin and carried on the following roll call vote:

Ayes: Councilmen Czerny, Williams, McLaughlin and Brodniak

Nays: Councilman Grossman.

The meeting adjourned at 10:13 P.M.

Joseph A. Brodniak
JOSEPH A. BRODNIAK
Council President

Teresa R. Eldridge
Teresa R. Eldridge
Deputy Clerk

Minutes approved: 10/18/71, (Motion to correct Res. Number 57-71 & 58-71 to 68-71 & 69-71)

COUNCIL OF THE TOWNSHIP OF MARLBORO

SPECIAL MEETING OF APRIL 12, 1971

The Special Meeting of the Marlboro Township Council of April 12th, 1971 was called to order by President Brodniak at 8:12 P.M. at Central School. President Brodniak then led in the salute to our Flag.

ROLL CALL: Present: Councilmen Lawrence Grossman, John J. McLaughlin, John H. Williams, Judith Czerny and Joseph A. Brodniak.

Also present were Attorneys Joseph Grabler and Thomas A. Deakin (sitting in for Township Attorney James R. Minogue) Mayor Morton Salkind and Deputy Clerk Teresa R. Eldridge.

Councilman Grossman asked if the letter of Proclamation calling the meeting would be read. President Brodniak explained that under the Faulkner Act the Council can request the Mayor to call the meeting when two-thirds majority of the Council requests it and that the Mayor shall call the meeting. He said the Mayor was served with the letter of request for a special meeting today and the order of business was included. He said the meeting was necessary because it wasn't possible to conduct Township business at the last Council meeting which had been short-circuited. Councilman Grossman asked for a legal ruling. After some discussion by Mayor Salkind on the chronology of calling the meeting, Mr. Grabler said that the wording of the statute requires the Mayor to call the meeting in accordance with the resolution or written request of the Council and therefore his opinion was that the meeting was valid and work done would be legal.

Councilman McLaughlin offered the following resolution and urged its adoption:

4/12/71

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~~#70-71~~
RESOLUTION #59-71

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

Ordinance #3-71

AN ORDINANCE ADOPTING THE "SWIMMING POOL CODE OF NEW JERSEY - 1970" REGULATING AND CONTROLLING THE LOCATION, CONSTRUCTION, ALTERATION, OPERATION AND LICENSING OF SWIMMING POOLS (EXCEPT THOSE ESTABLISHED OR MAINTAINED UPON ANY PREMISES BY ANY INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR GUESTS OF HIS HOUSEHOLD), DECLARING AND DEFINING CERTAIN SWIMMING POOLS AS NUISANCES AND FIXING PENALTIES FOR VIOLATIONS.

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Wednesday, April 14, 1971 with the notice required by law and that the same be considered for final passage on Thursday, April 22, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman.

Mayor Salkind made the following remarks and they are recorded here at his request. "As we all know this is one of the fine Ordinance recommended by the Health Department to Council which I fully support and hope all the Council will. I would like to point out for the record that since the people have not been properly informed of this meeting and there is legal question at least in my opinion there is, that we are jeopardizing the execution of this Ordinance, the enforcement of Ordinance covered in the next resolution and any money bills coming forth tonight. I would like to plead with the Council to consider its action most carefully, this is an important Ordinance as is the next one and we don't wish to see it jeopardized by an incorrect procedure."

The Resolution was thereafter adopted unanimously on a roll call vote.

Councilman Williams offered the following Resolution and urged its adoption:

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**ORDINANCE 4-71
AN ORDINANCE ESTABLISHING A
CODE REGULATING THE LOCATION,
CONSTRUCTION, ALTERATION, USE
AND SUPERVISION OF INDIVIDUAL
AND SEMIPUBLIC WATER SUPPLIES,
REQUIRING CERTAIN PERMITS, PRO-
VIDING FOR THE INFLECTION OF
SUCH SUPPLIES, THE FIXING OF
FEES AND PRESCRIBING PENAL-
TIES FOR VIOLATIONS.**

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey:

SECTION 1. A code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted pursuant to Chapter 188, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

SECTION 2. The said code established and adopted by this Ordinance is described and commonly known as the Individual and Semipublic Water Supply Code of New Jersey (1966) as approved by the State Department of Health, July 1, 1966.

SECTION 3. Three copies of the said Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the Director of the Division of Health upon the introduction of this ordinance and will remain on file in said office for the use and examination by the public. All references in said Code to board of health shall mean and include the Division of Health in the Department of Administration.

SECTION 4. (a) No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of said water supply shall have been issued by the Division of Health.

(b) The Division of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the code.

SECTION 5. (a) New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions hereto be sold or occupied, which must rely on such a supply for water, until the Division of Health shall have issued a certificate indicating that the said water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificates shall not be required for alteration to an existing water supply.

(b) The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Division of Health that the said water supply has been located and constructed in accordance with the terms of the permit and the requirements of the aforesaid code.

SECTION 6. In case any permit or certification required by this ordinance is denied by the Division of Health, a hearing shall be held thereon before the Director within fifteen (15) days after request therefor is made by the applicant and upon such hearing the Division of Health shall affirm, alter or rescind its previous determination

and take action accordingly within fifteen (15) days after the date of such hearing.

SECTION 7. The Division of Health may order all further work in and about any water supply, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

SECTION 8. The following fees and charges are herewith established:

(a) For the filing of an application and plans for a permit to locate and construct a water supply Twenty-five Dollars.

(b) For the filing of an application and plans for a permit to alter an existing water supply Fifteen Dollars.

(c) For the issuance of a permit to locate and construct or alter a water supply Five Dollars.

(d) For each reinspection of a water supply, or part thereof, caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, an inspection fee of Ten Dollars shall be charged.

SECTION 9. (a) Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this Ordinance or Individual and Semipublic Water Supply Code of New Jersey (1966) made a part hereof shall, upon conviction thereof, pay a penalty of not less than Five Dollars nor more than Five Hundred Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 10. All ordinances, codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice, the enforcement of the remaining provisions.

SECTION 12. This Ordinance and the Code herein established shall take effect 30 days after the first publication of the Ordinance in accordance with the provisions of R.S. 26:3-69.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held on Monday, April 12, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on April 22, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

TERESA R. ELDRIDGE,
Deputy Clerk

(\$60.48)

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71-71
RESOLUTION #~~50-71~~

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

Ordinance #4-71

AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATIONS, USE AND SUPERVISION OF INDIVIDUAL AND SEMI-PUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Wednesday, April 14, 1971 with the notice required by law and that the same be considered for final passage on Thursday, April 22, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman McLaughlin.

Mayor Salkind made the following remark and it is recorded here at his request: "The comments that I made at the last Ordinance are repeated both positively and my concern about the legality of this action."

The Resolution was thereafter adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

72-71
RESOLUTION #~~61-71~~

"WHEREAS, Section 5, Article IV of the "Administrative Code of Marlboro Township" provides that correspondence and other communications received through the United States Mail shall be delivered to the Office of the Township Clerk, where it shall be sorted and delivered immediately to the proper department without opening where the address is to a specific department or person; and

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ORDINANCE 4-71 AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey:

SECTION 1. A code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted pursuant to Chapter 188, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

SECTION 2. The said code established and adopted by this Ordinance is described and commonly known as the Individual and Semipublic Water Supply Code of New Jersey (1966) as approved by the State Department of Health, July 1, 1966.

SECTION 3. Three copies of the said Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the Director of the Division of Health upon the introduction of this ordinance and will remain on file in said office for the use and examination by the public. All references in said Code to board of health shall mean and include the Division of Health in the Department of Administration.

SECTION 4. (a). No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of said water supply shall have been issued by the Division of Health.

(b) The Division of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the code.

SECTION 5. (a) New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions hereto be sold or occupied, which must rely on such a supply for water, until the Division of Health shall have issued a certificate indicating that the said water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificates shall not be required for alteration to an existing water supply.

(b) The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Division of Health that the said water supply has been located and constructed in accordance with the terms of the permit and the requirements of the aforesaid code.

SECTION 6. In case any permit or certification required by this ordinance is denied by the Division of Health, a hearing shall be held thereon before the Director within fifteen (15) days after request therefor is made by the applicant and upon such hearing the Division of Health shall affirm, alter or rescind its previous determination

and take action accordingly within fifteen (15) days after the date of such hearing.

SECTION 7. The Division of Health may order all further work in and about any water supply, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

SECTION 8. The following fees and charges are herewith established:

(a) For the filing of an application and plans for a permit to locate and construct a water supply Twenty-five Dollars.

(b) For the filing of an application and plans for a permit to alter an existing water supply Fifteen Dollars.

(c) For the issuance of a permit to locate and construct or alter a water supply Five Dollars.

(d) For each reinspection of a water supply, or part thereof, caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, an inspection fee of Ten Dollars shall be charged.

SECTION 9 (a) Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this Ordinance or Individual and Semipublic Water Supply Code of New Jersey (1966) made a part hereof shall, upon conviction thereof, pay a penalty of not less than Five Dollars nor more than Five Hundred Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 10. All ordinances, codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice, the enforcement of the remaining provisions.

SECTION 12. This Ordinance and the Code herein established shall take effect 30 days after the first publication of the Ordinance in accordance with the provisions of R.S. 26:3-69.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held on Monday, April 12, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on April 27, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

TERESA R. ELDRIDGE,
Deputy Clerk

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WHEREAS, said section further provides that general municipal mail and mail addressed to the Council shall be opened in the Clerk's office and that the Clerk shall either reply to the correspondence and provide the information requested, or shall refer the matter to the appropriate individual, department, board or body; and

WHEREAS, it has come to the attention of the Council that all Township mail is being delivered to the office of the Mayor where it is being opened (including mail addressed to the Township Clerk) and distributed from that office, which action is contrary to the provisions of the aforesaid sections of the Administrative Code;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the office of the Mayor and all other departments, officers and employees of the Township are hereby directed to comply with the provisions of Section 5, Article IV of the Administrative Code forthwith and that upon their failure to do so, proper legal action will be taken.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the office of the Mayor and that a copy be posted on the main bulletin board of the Township Offices."

Seconded by Councilman Williams.

DISCUSSION: Councilman Grossman said that while he recognized the Administrative Code is a properly passed Ordinance and is law he felt the Code should be amended to put the receipt of the mail in the hands of the Business Administrator until the section is determined to be legal. President Brodniak asked Councilman Grossman if he recommended that the law be followed. Councilman Grossman replied that as an attorney he could not say that a duly passed law should not be followed. But he said all laws that are passed are not wise laws and that he thought this particular law is not a wise law.

Councilman Czerny objected to the mail being opened and spoke of the sparseness of the mail for the Clerk's office. She stated that there is no need to change the law, the mail should go to where it is addressed. Councilman Grossman agreed that the mail should not be opened and that the Clerk's mail should go to her and intact. Mayor Salkind remarked that all mail addressed to the Clerk or Council is delivered unopened to the Clerk without exception. He did state "the budgetary data was delivered to me and as I told you at the Caucus meeting within three minutes of my receiving it I personally handed

it to the Clerk." Councilman Czerny added "Without the envelope. It was addressed to the Office of the Clerk." Mayor Salkind said that if the Council wishes to have its mail or all mail addressed to the Council or Clerk he would provide a special Post Office Box for that purpose. Council President Brodniak said that the Mayor's "chief function is to enforce the law, it is not his job to interpret the law nor to enforce only the parts he thinks are necessary." He mentioned that the Council had talked to the Mayor several times about the mail and if the Mayor would enforce the law this action would not be necessary. Councilman McLaughlin said that the Administrative Code is what exists and it should be followed.

The resolution was thereafter adopted on the following roll call vote:

Ayes: Councilmen Czerny, Williams, McLaughlin and Brodniak.

Nays: None

Abstain: Councilman Grossman

Councilman Grossman offered the following resolution and urged its adoption:

#73-71
RESOLUTION #62-71

"WHEREAS, the attached list of owners have overpaid their 1970 taxes due to Veteran's Exemption in the amount of \$350.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, that the amounts as listed be returned to the property owners."

<u>Block</u>	<u>Lot</u>	<u>Name & Address</u>	<u>Amount</u>
27	39	James A. & Patricia A. DeSoucy Beacon Hill Rd., Morganville, N.J.	50.00
55-E	7	Kenneth & Patricia O'Brien 29 Maywood Dr., Marlboro, N.J.	50.00
58-D	11	Irwin H. & Joanne Malles 10 Ardmore Rd., Marlboro, N.J.	50.00
58-BB	3	Salvatore & Adrienne Palma 49 Girard St., Marlboro, N.J.	50.00
65-I	5	Edward Lee & Dorothy Burnfield 9 Sandburg Dr., Morganville, N.J.	50.00

65-AA	5	Robert & Rosalie Tepper 9 Millay Road, Morganville, N.J.	50.00
65-BB	13	Gerald & Karolyn Flesher 3 Dickinson La., Morganville, N.J.	50.00
		Total	\$350.00

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Mayor Salkind requested the Clerk to read the following Proclamation:

PROCLAMATION

"I, Morton Salkind, Mayor of the Township of Marlboro, pursuant to Ordinance #13-1969 (as amended) entitled "AN ORDINANCE AUTHORIZING THE PROCLAMATION OF AN EMERGENCY TO PROVIDE FOR THE RESTRICTION OF THE USE OF WATER FOR THE SPRINKLING OF LAWNS, FILLING OF SWIM POOLS AND OTHER RELATED USES FROM PUBLIC UTILITY WATER SYSTEMS SERVING RESIDENTS OF THE TOWNSHIP OF MARLBORO" and adopted July 24, 1969 by the Council of the Township of Marlboro, hereby proclaim that an emergency exists requiring the taking of measures for the conservation of water for domestic and sanitary purposes and fire protection.

I hereby proclaim that the said emergency is of the type which requires the restricted use of water in accordance with Section 2. (a) of said Ordinance, and I hereby proclaim to the users of water being supplied by Village Water Company and Central Jersey Water Co. in the Township of Marlboro that the sprinkling of lawns, filling of swim pools and other related uses shall be prohibited except that users in odd numbered houses may so use water on odd numbered days and users in even numbered houses may so use water on even numbered days.

This proclamation shall continue in effect until the emergency hereby declared has been terminated.

In accordance with the aforesaid ordinance any persons who violate any of these restrictions shall upon conviction thereof be punished by a fine not exceeding One Hundred (\$100.00) Dollars."

MORTON SALKIND,
Mayor

April 8th, 1971

4/12/71

Councilman McLaughlin offered the following resolution and urged its adoption:

74-71
RESOLUTION #63-71

"WHEREAS, Mayor Morton Salkind has issued a proclamation declaring that an emergency exists requiring the taking of such measures for the conservation of water for domestic and sanitary purposes and fire protection as provided in Ordinance #13-1969 (as amended) entitled "AN ORDINANCE AUTHORIZING THE PROCLAMATION OF AN EMERGENCY TO PROVIDE FOR THE RESTRICTION OF THE USE OF WATER FOR THE SPRINKLING OF LAWNS, FILLING OF SWIM POOLS AND OTHER RELATED USES FROM PUBLIC UTILITY WATER SYSTEMS SERVING RESIDENTS OF THE TOWNSHIP OF MARLBORO" adopted by the Township Council on July 24, 1969.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that consent is hereby given to the issuance of said proclamation pursuant to said Ordinance #13-1969 (as amended).

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to publish a notice of said proclamation forthwith in the Asbury Park Press."

Seconded by Councilman Czerny. After a statement by the Mayor that there would be a notice distribution to every home, the resolution was adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

75-71
RESOLUTION #64-71

"WHEREAS, the Board of Education of the Township of Marlboro has pursuant to R.S.54:4-75 requisitioned \$300,000.00 in district taxes for the next eight weeks beginning April 7, 1971 to meet the obligations of the Board.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian of School Moneys the sum of \$300,000.00 for the eight week period beginning April 7, 1971 which payment shall be made within the next thirty days."

Seconded by Councilman McLaughlin.

DISCUSSION: Councilman McLaughlin questioned why this has come up as a problem when normally it is done along with the Bill Paying resolution. Mayor Salkind said that from now on it will be done by the book according to State law. Councilman Grossman wanted to know what would happen to the payment of these funds if the meeting is declared illegal. Mr. Grabler stated that should the meeting be declared illegal, contrary to his ruling "the fact that there are almost fifty people present, the Mayor and full Council and that this is a ministerial act, the transfer of funds from the Township to School Board, there would be no personal liability to Councilmen voting for this resolution." The resolution was thereafter adopted unanimously on a roll call vote.

The following resolution was offered by Councilman Czerny who urged its adoption:

76 -71

RESOLUTION #65-71

"WHEREAS, an emergency has arisen with respect to the operation of the Municipal Court in that the services of a part time Deputy Municipal Court Clerk and the purchase of additional court supplies is necessary, and no adequate provision was made in the 1971 budget for the aforesaid purchase and N.J.S.40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is.....\$2,500.00 and three percent of the total operating appropriations in the budget for 1971 is\$27,184.35

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-48,

1. An emergency appropriation be and the same is hereby made for:

Municipal Court	
Salaries and Wages in amount of ...	\$2,000.00
Other expenses.....	500.00
Total.....	\$2,500.00

2. That said emergency appropriation shall be provided for in full in the 1972 budget.

3. That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.40A:4-48 and in accordance with the provisions of N.J.S.40A:4-51.

0171

4. That such note shall be executed by Martin Rotheim, Director of Finance and by Morton Salkind, Mayor.

5. That said note shall be dated May 1, 1971, may be renewed from time to time, and such note and any renewals thereof shall be payable on or before December 31, 1972.

6. That one certified copy of thos resolution be filed with the Director of Local Fianance."

Seconded by Councilman Williams and adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its defeat:

#77-71
RESOLUTION #66-71

"WHEREAS, at recent meetings of the Council, the orderly function of the Council has been materially affected by persons in the audience interrupting and disturbing speakers who are lawfully addressing the meeting; and

WHEREAS, in order to properly conduct the official Township Business, it is necessary that order prevail at the Council meetings and that remarks made by the public be limited to the public portion of the meeting except on those occasions that the presiding officer specifically permits a member of the public to speak;

NOW, THEREFORE, Be it resolved, by the Council of the Township of Marlboro that until further notice, a police officer of the Township of Marlboro be on duty in the meeting room where official regular and special meetings of the Council are being held;

BE IT FURTHER RESOLVED, that the Mayor and Business Administrator be and they are hereby directed to require the attendance of a police officer of the Police Department of the Township of Marlboro at such regular and special meetings of the Council."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman stated that he was opposed to this action. Councilman Czerny said she felt it was better to have one policeman in the back of the room than to have to call police and said it is not keeping faith with the people when

you allow each meeting to be disrupted to the point where you cannot conduct the business of this Township. Councilman McLaughlin said if one policeman in the room would keep order that is what would have to be done. He further said the carnage over the last sixteen months has at times been unbearable but we've sat through it and we've tried to get the business of this town continued and completed.

The public at this time started conversation about the Petitions and President Brodniak reminded them that the matter on the floor is having a Policeman at the meetings.

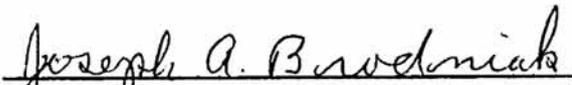
A roll call vote was taken and the resolution was adopted on the following vote:

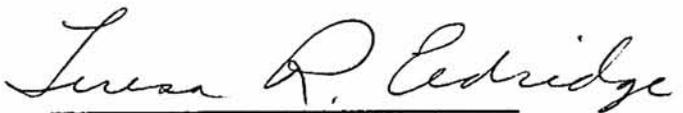
Ayes: Councilmen Czerny, Williams, McLaughlin and Brodniak.

Nays: Councilman Grossman.

The Chair asked for a motion to adjourn the meeting in order to officially close it. He further stated that the Council would remain after the close of the meeting for a half an hour for the purpose of allowing the public to speak with Council. So moved by Councilman Grossman and seconded by Councilman McLaughlin. The motion was passed unanimously on a roll call vote.

The special meeting officially adjourned at 10:02 P.M.


JOSEPH A. BRODNIAK,
Council President


Teresa R. Eldridge,
Deputy Clerk

Minutes approved: 10/18/71, (motion to correct Res# 59-71 through 66-71 to Res.# 70-71 through 77-71).

COUNCIL OF THE TOWNSHIP OF MARLBORO
REGULAR MEETING OF APRIL 22, 1971

The regular meeting of the Marlboro Township Council of April 22, 1971 was called to order by Council President Joseph A. Brodniak at 8:18 P.M. at Central School. President Brodniak apologized for the late start explaining they were awaiting a microphone. After a moment of silence President Brodniak led in the salute to our Flag.

ROLL CALL: Present: Councilmen Lawrence Grossman, Judith Czerny, John H. Williams, John J. McLaughlin and Joseph A. Brodniak.

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind and Deputy Clerk Teresa R. Eldridge.

Council President Brodniak reviewed the agenda and gave a brief explanation of each item.

Councilman Grossman called a point of order to direct a question to President Brodniak or Councilman McLaughlin. He said he had been told that certain people were setting up certain committees in the Council's name without discussion by the full Council. President Brodniak said he had no knowledge of such action. Councilman McLaughlin said that it was mentioned several months ago to study whether the town should have an engineering department or an appointed engineer to service the Township and because of so many other commitments he had asked Mr. Richard Previte to make 2 phone calls to see if people were interested/^{and that} no commitments were made.

PUBLIC HEARING: Ordinance #3-71. AN ORDINANCE ADOPTING THE "SWIMMING POOL CODE OF NEW JERSEY-1970" REGULATING AND CONTROLLING THE LOCATION, CONSTRUCTION, ALTERATION, OPERATION AND LICENSING OF SWIMMING POOLS (EXCEPT THOSE ESTABLISHED OR MAINTAINED UPON ANY PREMISES BY ANY INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR GUESTS OF HIS HOUSEHOLD), DECLARING AND DEFINING CERTAIN SWIMMING POOLS AS NUISANCES AND FIXING PENALTIES FOR VIOLATIONS.

Reprints were available for the public of the Ordinance and a copy of same is attached hereto.

This is a Reprint of The Asbury Park Press

**Ordinance #3-71
AN ORDINANCE ADOPTING THE
"SWIMMING POOL CODE OF NEW
JERSEY-1970" REGULATING AND
CONTROLLING THE LOCATION,
CONSTRUCTION, ALTERATION, OP-
ERATION AND LICENSING OF
SWIMMING POOLS (EXCEPT THOSE
ESTABLISHED OR MAINTAINED
UPON ANY PREMISES BY ANY IN-
DIVIDUAL FOR HIS OWN OR HIS
FAMILY'S USE OR GUESTS OF HIS
HOUSEHOLD), DECLARING AND DE-
FINING CERTAIN SWIMMING POOLS
AS NUISANCES AND FIXING PEN-
ALTIES FOR VIOLATIONS.**

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey,

SECTION 1. A Code described and commonly known as the "Swimming Pool Code of New Jersey-1970," approved by the State Department of Health regulating and controlling the location, construction, alteration, operation and licensing of swimming pools (except those established or maintained upon any premises by any individual for his own or his family's use or guests of his household) and declaring and defining certain swimming pools as nuisances is hereby adopted by reference pursuant to R.S. 40:69A-181, except that Section 1.1 Definitions - Administrative Authority is changed to read as follows:

SECTION 1.1. Definitions
Administrative Authority - The Administrative Authority is the Director of the Division of Licenses and Permits in the Department of Administration.

SECTION 2. The Division of Licenses and Permits which is charged with the administration of the above code and licensing thereunder shall, before issuing, suspending, revoking or denying any license refer the matter to the Advisory Health Council for a report and recommendation. Whenever any hearing required under the "Swimming Pool Code of New Jersey-1970" is held, said hearing shall be held before the Director of the Division of Licenses and Permits with the Advisory Health Council in attendance. The Advisory Health Council shall make its recommendation and report prior to the decision by the Director. The Director may issue, suspend, revoke or deny any license without the report and recommendation of the Advisory Health Council where the Advisory Health Council fails to make a report and recommendation within 40 days after reference to the Advisory Health Council. No such report or recommendation shall be required where the Director determines that an emergency exists.

SECTION 3. No person shall locate and construct, alter or operate a swimming pool until a license therefor shall have been issued by the Division of Licenses and Permits.

SECTION 4. The following fees and charges are herewith established which fees are hereby imposed for revenue and for the purpose of defraying the cost of administration of this ordinance:

(a) For the issuance of a license to locate and construct a swimming pool One Thousand (\$1,000.00) Dollars.

(b) For the issuance of a license to alter a swimming pool Five Hundred (\$500.00) Dollars.

(c) For the issuance of a license to operate a swimming pool Two Hundred Fifty (\$250.00) Dollars.

SECTION 5. Licenses issued for the operation of a swimming pool shall expire annually on December 31 of each year and application for renewal thereof shall be submitted together with the required fee prior to November 1 of each year.

SECTION 6.(a) Any person or persons, firm or corporation violating any of the provisions of this ordinance or the "Swimming Pool Code of New Jersey-1970" made a part hereof shall, upon conviction thereof, pay a penalty of not more than Five Hundred (\$500.00) Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 7. All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 8. In the event that any section, sentence or clause of this ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declarations shall not in any manner prejudice the enforcement of the remaining provisions.

SECTION 9. This ordinance shall take effect immediately upon its passage and publication according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held on Monday, April 12, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on April 22, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro,

TERESA R. ELDRIDGE,
Deputy Clerk

(\$52.48)

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The Advisory Health Board was to have a representative at the meeting but no one of that board was present. Mr. A. W. Meyer, Environmental Health Officer was present.

President Brodniak explained that this Ordinance and Ordinance #4-71 also scheduled for public hearing tonight are State Codes to be adopted by reference. President Brodniak gave a capsule explanation of the contents of the Code.

Mr. Martin Powers, 34 Halifax Drive, Morganville stated that he did not feel the fine and jail term clauses were compatible and that the license fees were too "cheap".

Mr. Jerome Perelson, Girard Street, Marlboro wanted to know if the pools now in town come under this Ordinance.

Mr. Irwin A. Arden, 9 Ingersoll Road, Marlboro wanted to know if the alteration charge meant alterations to the pool itself or within the club area. President Brodniak replied that this has only to do with the water works.

Mr. Minogue explained that the \$250.00 fee mentioned by Mr. Powers was based on inspection fees and is comparable to other towns. Councilman Williams said that pools are recreation and it is not our intention to penalize the people who use the pools.

Mr. Spencer Halper, Sudbury Road, Morganville posed the question of having two fees, one for profit-making measures and one for non-profit making.

Mr. T. Bache, 43 River Drive, Marlboro asked how decisions will be made to grant a permit or not to grant a permit. President Brodniak stated that a permit will be given if compliance with the provisions of the ordinance are met. Mr. Minogue further stated that every pool needs a license.

Mr. N. Burke, Bruce Road, Morganville questioned profit and non-profit fees again and wanted to know if something would be done tonight about the fees. President Brodniak replied that an amendment would not be added tonight without further study.

Mr. Howard Klau asked if \$250.00 would defray the cost of inspection and who would do the inspecting. President Brodniak said that the inspections would be done by the Health Officer under the supervision of the Advisory Health Board.

As no one else wished to speak on the Ordinance the Chair asked for a motion that the Public Hearing be brought to a close, so moved by Councilman McLaughlin, seconded by Councilman Williams and carried unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #78-71

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

ORDINANCE #3-71

AN ORDINANCE ADOPTING THE "SWIMMING POOL CODE OF NEW JERSEY - 1970" REGULATING AND CONTROLLING THE LOCATION, CONSTRUCTION, ALTERATION, OPERATION AND LICENSING OF SWIMMING POOLS (EXCEPT THOSE ESTABLISHED OR MAINTAINED UPON ANY PREMISES BY ANY INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR GUESTS OF HIS HOUSEHOLD), DECLARING AND DEFINING CERTAIN SWIMMING POOLS AS NUISANCES AND FIXING PENALTIES FOR VIOLATIONS.

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman felt there should be more depth of discussion as to the yearly license fee for a non-profit organization and that ninety (90) days in jail is possibly not the right penalty for a violation. Councilman Williams made a motion to delete from Section 6. (a) the words "or be imprisoned in the county jail for not more than 90 days or both". Seconded by Councilman Grossman.

DISCUSSION: President Brodniak asked Councilman Grossman if he would be satisfied with the complete removal of that stipulation or would he like the provision to be if a person continues to violate the ordinance be subject to a jail sentence. Councilman Grossman said he would prefer a step-type fine for repeated violations. Mr. Minogue stated that \$500.00 is the most fine allowed by statute. Council President Brodniak asked Mr. Minogue if this deletion from the Ordinance meant it would have to be re-advertised. Mr. Minogue replied no.

A roll call vote was taken on the motion and was unanimous.

A roll call vote was taken on the resolution and it was adopted unanimously.

PUBLIC HEARING: Ordinance #4-71. AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATIONS, USE AND SUPERVISION OF INDIVIDUAL AND SEMI-PUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS.

Reprints were available for the public of the Ordinance and a copy of same is attached hereto.

Council President explained that the Ordinance was being adopted by reference to the State Code. He gave a capsule review of its contents.

Mr. Mark Kaylas, 43 Stockton Drive, Marlboro asked if a permit was needed to dig wells to water the lawns.

Mr. Ed Adams, 14 Emerson Drive, Morganville said he noticed that there was not provision for an emergency.

The Chair then asked for a motion that the public hearing on Ordinance #4-71 be brought to a close, so moved by Councilman McLaughlin, seconded by Councilman Grossman and passed unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #79-71

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

ORDINANCE #4-71

AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATIONS, USE AND

This is A Reprint of The Asbury Park Press

**ORDINANCE 4-71
AN ORDINANCE ESTABLISHING A
CODE REGULATING THE LOCATION,
CONSTRUCTION, ALTERATION, USE
AND SUPERVISION OF INDIVIDUAL
AND SEMIPUBLIC WATER SUPPLIES,
REQUIRING CERTAIN PERMITS, PRO-
VIDING FOR THE INSPECTION OF
SUCH SUPPLIES, THE FIXING OF
FEES AND PRESCRIBING PENAL-
TIES FOR VIOLATIONS.**

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey:

SECTION 1. A code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted pursuant to Chapter 188, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

SECTION 2. The said code established and adopted by this Ordinance is described and commonly known as the Individual and Semipublic Water Supply Code of New Jersey (1966) as approved by the State Department of Health, July 1, 1966.

SECTION 3. Three copies of the said Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the Director of the Division of Health upon the introduction of this ordinance and will remain on file in said office for the use and examination by the public. All references in said Code to board of health shall mean and include the Division of Health in the Department of Administration.

SECTION 4. (a). No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of said water supply shall have been issued by the Division of Health.

(b) The Division of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the code.

SECTION 5. (a) New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions hereto be sold or occupied, which must rely on such a supply for water, until the Division of Health shall have issued a certificate indicating that the said water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificates shall not be required for alteration to an existing water supply.

(b) The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Division of Health that the said water supply has been located and constructed in accordance with the terms of the permit and the requirements of the aforesaid code.

SECTION 6. In case any permit or certification required by this ordinance is denied by the Division of Health, a hearing shall be held thereon before the Director within fifteen (15) days after request therefor is made by the applicant and upon such hearing the Division of Health shall affirm, alter or rescind its previous determination

and take action accordingly within fifteen (15) days after the date of such hearing.

SECTION 7. The Division of Health may order all further work in and about any water supply, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

SECTION 8. The following fees and charges are herewith established:

(a) For the filing of an application and plans for a permit to locate and construct a water supply Twenty-five Dollars.

(b) For the filing of an application and plans for a permit to alter an existing water supply Fifteen Dollars.

(c) For the issuance of a permit to locate and construct or alter a water supply Five Dollars.

(d) For each reinspection of a water supply, or part thereof, caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, an inspection fee of Ten Dollars shall be charged.

SECTION 9 (a) Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this Ordinance or Individual and Semipublic Water Supply Code of New Jersey (1966) made a part hereof shall, upon conviction thereof, pay a penalty of not less than Five Dollars nor more than Five Hundred Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 10. All ordinances, codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

SECTION 12. This Ordinance and the Code herein established shall take effect 30 days after the first publication of the Ordinance in accordance with the provisions of R.S. 26:3-69.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held on Monday, April 12, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on April 27, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

**TERESA R. ELDRIDGE,
Deputy Clerk**

(\$60.48)

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SUPERVISION OF INDIVIDUAL AND SEMI-PUBLIC WATER
SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING
FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING
OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS.

be adopted on second and final reading and notice of the
passage thereof shall be advertised according to law.

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman asked if the word alter
applied to someone who wants to change pumps. Mr. Minogue
replied that the word alter as defined in the code means
and includes the replacing or repairing of any portion of an
existing water supply system. Councilman Grossman moved to
table action on the ordinance until the next meeting so an
amendment could be made to allow for emergency situations.
Seconded by Councilman McLaughlin and passed unanimously on a
roll call vote.

UNFINISHED BUSINESS: Councilman Czerny offered the following
resolution and urged its adoption:

RESOLUTION #80-71

"BE IT RESOLVED by the Council of the Township of Marlboro
that the committee appointed by Council on January 8, 1970 to
investigate the alleged offer made to the township in 1968 by
Levitt & Sons report their findings to the entire Council before
Oct. 22, 1971."

Seconded by Councilman McLaughlin.

Councilman McLaughlin made a motion to amend the resolution
to change the date from October 22, 1971 to July 22, 1971, the
motion was seconded by Councilman Williams and passed unanimously
on a roll call vote.

DISCUSSION: After a brief discussion the resolution was adopted
unanimously on a roll call vote.

Councilman Grossman offered the following resolution and
urged its adoption:

RESOLUTION #81-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Morganville Volunteer Fire Co. be granted a Raffle License for July 10, 1971, for an off premise raffle in accordance with their Application No. RA:129."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #82-71

"BE IT RESOLVED by the Council of the Township of Marlboro that Walter C. Grubb be and he is hereby appointed a member of the Municipal Utilities Authority to fill the unexpired term ending February 1, 1973."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman spoke of his preference of Mr. Barry Wolk being appointed to the position and Mayor Salkind agreed. Councilmen Czerny, Williams and Brodniak spoke of Mr. Grubb's qualifications for the position and mentioned the fact that Mr. Grubb was instrumental in making the water system possible in Marlboro Township.

The resolution was thereafter adopted on the following roll call vote:

Ayes: Councilmen Czerny, Williams, McLaughlin and Brodniak

Nays: Councilman Grossman

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #83-71

"WHEREAS, an emergency has arisen in the Township of Marlboro in that it is necessary to take steps to control the spread of the gypsy moth in certain areas of the Township and no adequate provision was made in the 1971 budget for said purpose, and N.J.S.40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution is\$ 7,500.00 and three percent of the total operating appropriations in the budget for 1971 is\$27,184.35.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-48,

1. An emergency appropriation be and the same is hereby made for:

Health and Welfare

Gypsy Moth Control

Other Expenses.....\$ 5,000.00.

2. That said emergency appropriation shall be provided for in full in the 1972 budget.

3. That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S. 40A:4-48 and in accordance with the provisions of N.J.S. 40A:4-51.

4. That such note shall be executed by Martin Rotheim, Director of Finance and by Morton Salkind, Mayor.

5. That said note shall be dated May 1, 1971, may be renewed from time to time, and such note and any renewals thereof shall be payable on or before December 31, 1972.

6. That one certified copy of this resolution be filed with the Director of Local Finance."

Seconded by Councilman Grossman.

DISCUSSION: Mayor Salkind made note of two areas slated for Gypsy Moth spraying by the County. Councilman Grossman stated that there would be a survey conducted whereby people could reply to the Township Offices as to infestation in their immediate area. Councilman McLaughlin noted the area of Belle Oaks and behind Emerson Drive as needing to be taken care of as soon as possible. Mr. Ed Haymes was asked to have a follow-up on the problem and render a report. The resolution was thereafter adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #84-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Business Administrator be and he is hereby authorized and directed to notify the New Jersey Department of Community

Affairs, pursuant to Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Section 201 and Title IV of the Intergovernmental Cooperation Act of 1968, of the intent of the Township of Marlboro to apply for assistance under the Federal Open Spaces Program and the New Jersey Green Acres Assistance Program to finance the acquisition of premises known as Block 26, Lot 23, consisting of 13.96 acres, for the purpose of recreation lands; and

BE IT FURTHER RESOLVED that the Business Administrator be and he is hereby authorized to prepare and assemble all documents and information necessary for the filing of a formal application for said assistance under the Federal Open Spaces Program and the New Jersey Green Acres Assistance Program so that said application may be filed on or before May 31, 1971."

Seconded by Councilman McLaughlin.

DISCUSSION: Councilman McLaughlin made some brief statements about the reconstruction plans for Lloyd Road. Mayor Salkind spoke of acceptance of the site and suggested we go ahead without waiting for the Master Plan for recreation. Councilman Grossman said areas are badly needed for recreation for this summer. He stated that he would like to see a decision for sites deadline by the last meeting in May so Council could start working on the acquiring of sites. Councilman McLaughlin said that we agree with the Planner on the sites but differed with him on the size of the sites. He further stated that the sites must be in a coordinated program and that we hope to move rapidly so funding can be secured. The resolution was thereafter adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #85-71

"BE IT RESOLVED, by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to prepare a bond ordinance authorizing the reconstruction of Lloyd Road from State Highway Route 79 to the Township line at Matawan including the installation of water and sewer mains, culverts, and the acquisition of premises known as Block 26, Lot 23 and all necessary additional rights of way for said project."

Seconded by Councilman McLaughlin and after a brief discussion the resolution was adopted unanimously on a roll call vote.

The Chair called for a short recess. The meeting was called to order at 10:38 P.M.

Councilman Williams made a motion to move the order of business to the Mayor's Report and Public Session and to continue the meeting to Monday Evening. The motion was seconded by Councilman Grossman. A discussion followed as to whether or not the meeting should be continued because of the late hour. As no satisfactory date could be arranged to continue the meeting President Brodniak stated Council would proceed with the order of business.

Councilman McLaughlin offered Resolution #86-71 and urged its adoption:

RESOLUTION #86-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Engineer be and he is hereby authorized to expend an additional \$6,000.00 which is in addition to the \$2,500.00 previously authorized by resolution adopted December 30, 1970 to engage Gulick-Henderson of New Jersey, Inc., an independent testing laboratory, for the purpose of taking and analyzing core samples of pavement installed by Manzo Contracting Co., Inc. under the road improvement contract authorized by bond ordinance 13-70 to determine whether there has been compliance with contract specifications."

Seconded by Councilman Grossman. After a brief explanation by President Brodniak and Councilman Grossman of the Resolution it was thereafter adopted on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #87-71

"WHEREAS, it has come to the attention of Council that the Mayor has continued to disregard Section 5, Article IV of the Administrative Code which provides for the delivery of mail to the Township Clerk's office and distribution therefrom; and

WHEREAS the Mayor has failed and refused to comply with the resolution of the Council dated April 12, 1971 that a police officer of the Township of Marlboro be in attendance at meetings of Council;and

WHEREAS the Mayor has failed to properly furnish to the Council requested supplies consisting of township stationery and postage and has failed to process a requisition for an electrical typewriter for the office of the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Township of Marlboro institute suit in the Superior Court of New Jersey against Morton Salkind as Mayor of the Township of Marlboro to compel Morton Salkind as Mayor of the Township of Marlboro to comply with Section 5 Article IV of the Administrative Code, to comply with the direction of Council regarding the attendance of a police officer at Council meetings and to properly honor and process requests of Council for supplies and equipment;

BE IT FURTHER RESOLVED that Nelson H. Murphy, Esq. of Red Bank, New Jersey, be and he is hereby appointed as Special Counsel to represent the Township of Marlboro in the above authorized suit, and shall be paid a reasonable fee for services rendered upon submission of a voucher for services."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman objected to the resolution, he felt that the problems could be worked out by talking. Councilman Czerny stated that all we ask is that the Mayor comply with the law and that she was in favor of deleting the sections in regards to the police. Councilman Grossman said he would be responsible to see that requests for supplies made through the proper channels would be honored. Councilman McLaughlin said proper requests for supplies were not honored and all the Council is asking is that the Mayor follow the law. Mr. Minogue stated that his legal opinion was that the Council requests were reasonable and that the Administration should honor them. Councilman Grossman asked if the suit was lost would the Township have to pay for the Mayor's Attorney. Mr. Minogue replied that that would depend on the results of the suit. Mayor Salkind said that the police are available and that the mail addressed to the Council or the Clerk is delivered to the Clerk's Office unopened. His opinion was that the Clerk's office was not meant to be a mail room and he offered the Council to secure their own mail box. He also stated that stamps would be given for a mailing if his office received 7 to 10 days notice and that bulk mailing arrangements could be made. As to the electric typewriters he said they

would be ordered through the state program when a new municipal center is built. He further stated that he is instructing all Administrative Departments that he is appointing Marvin Schaefer to serve as Attorney to the Mayor, officially covering all Administrative Departments. Councilman Grossman said that he is not in favor of litigation and advocates sitting down and talking out the problems. Councilman Czerny again stated that all we are asking is that the Mayor comply with the law. Councilman Williams felt that there was nothing to gain by litigation. President Brodniak said that the Mayor swore to uphold the law when he took office and that this action is necessary to compel him to comply with the law. Councilman McLaughlin said that the laws are made for a purpose and that they should be followed. Councilman Czerny asked for an amendment to the resolution to "delete the part referring to the part of attendance of a police officer at meetings". Seconded by Councilman McLaughlin and passed unanimously on a roll call vote. After a dialogue between Councilman Grossman and Mr. Minogue on Article 5 Section 5A of the Administrative Code dealing with the requisitioning of supplies the resolution was adopted as amended on the following roll call vote:

Ayes: Councilmen Czerny, McLaughlin and Brodniak
Nays: Councilmen Grossman and Williams

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #88-71

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

Ordinance #5-71

AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Wednesday, April 28, 1971 with the notice required by law and that the same be considered for final passage on Thursday, May 13, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman McLaughlin.

DISCUSSION: Councilman Grossman asked that this Ordinance be amended to read "That should there not be appropriate enabling Ordinances passed by the Townships of Manalapan, Colts Neck and Englishtown Boro by the 15th of May, 1971 that no monies appropriated under this Ordinance be spent until further authorization of the Council of the Township of Marlboro" Seconded by Councilman McLaughlin and passed unanimously on a roll call vote. The Resolution was thereafter adopted as amended unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #89-71

"WHEREAS, a serious traffic hazard exists on Union Hill Road near the Manalapan border consisting of a hill which obstructs the visibility of traffic along said road; and

WHEREAS, for the safety of the traveling public, it is necessary that steps be taken to alleviate said condition;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Township Engineer be and he is hereby authorized to consult with the Township Engineer of Manalapan Township and to furnish to the Council a recommendation for the reconstruction of said portion of Union Hill Road within the Townships of Marlboro and Manalapan to correct said condition."

Seconded by Councilman McLaughlin and after a brief discussion the resolution was adopted unanimously on a roll call vote.

Councilman McLaughlin offered the bill paying resolution #90-71, a copy of same is attached. Seconded by Councilman Williams.

DISCUSSION: Councilman Grossman asked for a statement from the Mayor on the record as to the fact that the vouchers will not exceed appropriations. The Mayor stipulated that they would not exceed the appropriations. The resolution was thereafter adopted on the following roll call vote:

Ayes: Councilmen Czerny, Grossman and Williams

Abstain: Councilmen McLaughlin and Brodniak

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Pen's Roofing Co.	Roofing Mun. Bldg.		\$ 793.00
Leon S. Avakian, Inc.	Inspection Services, U.S. Homes, Feb. 1971		1620.00
N.J. Bell Telephone	462-0059, March 536-4444, March 431-1111, Feb. 19-Mar.19 462-5713, March 431-1734, March	403.66 24.04 230.73 9.32 8.00	675.75
N.J. Natural Gas Co.	March 1971		141.90
Village Water Co.	Services 12/2/70-3/2/71 Municipal Bldg. Municipal Garage	14.00 17.00	31.00
Jersey Central Power & Light Co.	Bldgs. & Grounds Street Lighting, March	242.33 2568.98	2811.31
MCOSS Family Health & Nursing Service	Service for 1971		5000.00
Mun. Clerk's Assoc.	Dues for 1971		5.00
Pleasant Valley Inn	6 Lunches, re PBA		28.65
Asbury Park Press	Publication, Ord- inance #1-71		60.59
NJ Municipal Manage- ment Assoc.	Dues, 1971		25.00
Bayshore Stationers	10 cases White Mimeo		148.75
A & A Coffee Service	1 Coffee Kit		24.00
Paul L. Linnett & Co.	2 Victor Multipliers @ \$297.00 each 1 Power Cord for Victor Calculator Office Supplies Office Supplies	594.00 4.50 62.52 172.78	833.80
Mun. Finance Assoc.	Membership, 1971		10.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Bayshore Stationers	1 Signature Stamp		\$ 7.20
Fox & Bottone Data Processing, Inc.	Magnetic Tape Copy		45.00
Edward Usher Co.	Collector's Cash Books		73.86
Allen Warren Assoc.	AIPR Ad Space	\$450.00	
	Mailing List	107.50	
	Postage	540.00	
	Mailing Service	67.50	
	Addressing Envelopes	25.00	
	Cover Letters	65.00	1255.00
State of N.J. Div. of Alcoholic Bev. Control	Luncheon, State Conf.		5.00
V. E. Ralph & Son	CO ₂ Refill		6.00
Tri-County Police Revolver League	Registration 1971		83.00
Mat-Key Press, Inc.	Arrest Cards		28.00
Red, The Tailor	Police Uniforms		281.30
Usher Publishing	Police Printing	196.45	
	Municipal Court Supplies	42.40	238.85
Rutgers University	Education Course for Blg. Inspector		101.00
Bell Magneto Service	S&R Supplies		13.90
International Salt Co.	Bulk Ice Control		491.15
Joseph A. Mazzeo	Repairs, Road Equip.		26.00
Lyncar Corp.	Ice Control Sand		238.88
Manzo Contracting Co.	Cold Patch	824.75	
	Cold Patch	713.86	
	Cold Patch	927.00	2465.61
Alfred Storer	Rental for dumping facilities		200.00
West Publishing Co.	N.J. Statutes 1970		4.50
			17,773.00

Offered by: *M. Laughlin*

Seconded by: *Williamson*

The above Resolution was adopted this 22nd day of April, 1971.

Ayes: *Czerny; Grossman; Williams*

Nays: *0*

ABSENT: McLaughlin and Brodnick

Teresa R. Eldridge

HELDRED ACKERMAN
CLERK

Teresa R. Eldridge
Deputy Clerk

Joseph A. Brodnick 0189
JOSEPH A. BRODNIAK
COUNCIL PRESIDENT

MAYOR'S REPORT:

1. The Mayor reported that he was turning over to Council the full file on the site plan for the Delli Silverplate warehouse, Dutch Lane Road. He stated that the Planning Board Attorney had ruled that the application did not need Council approval but that he was informed by a letter from Mr. Minogue of 4/21/71 that Council approval was required.
2. He presented his veto of Ordinance #23-70 and veto message.
3. He made note of a communication from Mr. Minogue regarding the Marlboro Improvement case.
4. The Mayor read into the record by reference the Road Department Report.

There were no reports of Other Boards and Agencies and the meeting was opened to the Public for the Public Session.

The Chair asked for a motion to adjourn the meeting, so moved by Councilman Czerny, seconded by Councilman Grossman and passed unanimously on a roll call vote.

The meeting adjourned at 1:00 A.M.

Joseph A. Brodniak
JOSEPH A. BRODNIAK,
Council President

Teresa R. Eldridge
TERESA R. ELDRIDGE,
Deputy Clerk

Minutes Approved: 10/18/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - May 13, 1971

The regular meeting of the Council of the Township of Marlboro was called to order on Thursday evening, May 13, 1971, at Central School, Route 79, Marlboro Township, N.J. at 8:20 P.M. by Council President Joseph A. Brodniak.

Following a moment of silence and the salute to our flag, the roll was called:

ROLL CALL: Present: Councilmen Czerny, Grossman, McLaughlin and Brodniak
Absent: Councilman Williams (Mr. Williams arrived at approximately 8:45 P.M. and left at 10:40 P.M.)

Also present were Mayor Morton Salkind, Attorney Joseph Grabler (filling in for Township Attorney James R. Minogue) and Clerk Mildred Ackerman.

Council President Brodniak reviewed the agenda and announced that Resolution #100-71 introducing the Land Subdivision ordinance would not be offered this evening to enable Council more time to study the ordinance. After explaining the procedure regarding public hearings, the meeting was opened to the public for the following:

PUBLIC HEARING: Ordinance #5-71 "AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF"

Reprints of the ordinance were available to the public.

Mr. Irv Kotkin said this program was a pilot project started last year with the approval of Mayor and Council and had proved to be very beneficial for the teenagers in town.

**ORDINANCE NO. 5-71
AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF.**

BE IT ORDAINED by the Council of the Township of Marlboro, in the County of Monmouth:

SECTION 1. There is hereby established for the season of 1971 a Summer Youth Activities Program, which program shall begin July 1st, 1971, shall be conducted on Wednesday, Thursday, and Friday evenings from at least 7 p.m. to 11 p.m. and shall continue up to and including August 7th, 1971.

SECTION 2. Activities in connection with said program shall include but shall not be limited to sports activities, arts and crafts, music, drama, tutoring, special events, guest speakers, films, trips, dances and a barbecue. Programs shall be indoor and outdoor and shall be conducted on the premises of the Marlboro Township High School, which is owned and operated by the Freehold Regional Board of Education.

SECTION 3. The Summer Youth Activities Program shall be open to all residents of the Townships of Marlboro, Manalapan, Colts Neck and Englishtown Borough who have reached their thirteenth birthday as of July 1st, 1971 and have not reached their nineteenth birthday by that date except that any student residing in the Townships of Marlboro, Manalapan, Colts Neck and the Borough of Englishtown who are enrolled to enter ninth, tenth, eleventh or twelfth grade in September, 1971 in any public, parochial or private high school or who graduated from any such school during 1971 shall also be eligible to participate in said program. Said program shall be limited, however, to the first 500 applicants who enroll for said program which shall be furnished to the participants for a \$1.00 registration fee plus extraordinary charges which may be required in connection with specific activities.

SECTION 4. The Mayor of the Township of Marlboro is hereby authorized to enter into an agreement with the Freehold Regional Board of Education for the use of Marlboro Township High School in connection with the Summer Youth Activities program, which agreement shall provide for the use of the said premises for the periods above prescribed and shall be without expense to the Township of Marlboro or the other participating Townships or the Borough with all utilities to be furnished and paid for by said Board of Education. All necessary liability and accident insurance shall be provided at the expense of the Township of Marlboro.

SECTION 5. The Mayor of the Township of Marlboro is hereby authorized to employ for the conduct of a Summer Youth Activities Program, a director, an assistant director, a secretary and up to ten teachers, who shall be paid bi-weekly at the following rates:

Director	\$100.00 per week
Assistant Director	90.00 per week
Secretary	36.00 per week
Teacher	84.00 per week

Said employees shall devote whatever time is necessary for the conduct of the Summer Youth Activities Program and they shall be placed in the classified Civil Service as temporary employees.

SECTION 6. The Summer Youth Activities Program shall be operated at a cost not to exceed \$10,000.00. Of this amount, salaries shall not exceed \$6,500.00 and other expenses shall not exceed \$3,500.00. The Director is hereby authorized to purchase necessary equipment for the conduct of the Summer Youth Activities Program up to the above limit and to promulgate rules and regulations not inconsistent with the provisions of this ordinance.

SECTION 7. The Mayor of the Township of Marlboro is hereby authorized to enter into an agreement with the Township of Manalapan and the Township of Colts Neck whereby said Townships shall each pay the Township of Marlboro the sum of \$1,750.00 in order to reimburse the Township of Marlboro for the expenses of anticipated participants from those Townships in the Summer Youth Activities Program. In the event the Township of Marlboro is unable to enter into such an agreement with any of the above municipalities, residents from that municipality or municipalities shall be excluded from said program. In the event the Freehold Regional Board of Education prohibits said exclusion, residents from said municipality or municipalities shall be charged a fee for participation. Said fee shall be determined by the Marlboro Township Council and shall be based upon the estimated per capita cost of said program. Said fee shall be determined in advance of the start of said program, shall be payable upon registration, and shall be uniform as to all residents from nonparticipating municipalities.

SECTION 8. Should there not be appropriate enabling ordinances passed by the Townships of Manalapan, and Colts Neck and the Borough of Englishtown by the 15th day of May, 1971, that no money appropriated under this ordinance be spent until further authorization of the Council of the Township of Marlboro.

SECTION 9. This ordinance shall take effect twenty days after its final passage by Council and approval by the Mayor.

(Ordinance No. 5-71)

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, April 22, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on Thursday, May 13, 1971, at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

by order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN,
Clerk

He said the program was extended to the eighth graders so they could have the opportunity to go into the high school and meet some of its teachers. He said the benefits were numerous.

Council President Brodniak said Mr. Kotkin had been the moving force behind the program.

Mr. Martin Powers cited Section 5 regarding fees and asked if it was possible to get a Director for \$100 a week, which seemed to him to be a small amount of money for a capable Director to administer such a program to the young people of our town.

Mr. Kotkin replied to the question, saying he did not associate quality with money, and in the case regarding himself the answer was yes.

The Mayor said he was sure the Director would find \$100 a week perfectly satisfactory. He mentioned that in addition to this program, our regular Recreation Director works for \$4,000 a year and spends a great deal of time for the youth of our town. He said both men are highly qualified and that the two people have shown they are willing to devote the time necessary for the amount of money that is paid.

As no one else wished to speak on the ordinance, the chair called for a motion that the public hearing on Ordinance #5-71 be brought to a close. So moved by Councilman Grossman, seconded by Councilman McLaughlin and carried unanimously on a roll call vote by those present. The public hearing closed at 8:40 P.M.

Councilman McLaughlin then offered the following resolution and urged its adoption:

RESOLUTION #91-71

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

Ordinance #5-71

"AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF"

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Czerny. Discussion: Councilman Grossman offered a motion to amend Section 1 of the ordinance to read that the program shall begin June 28, 1971, shall be conducted Monday, Tuesday, Wednesday and Thursday evenings from at least 7 P.M. to 11 P.M. and shall continue up to and including August 6, 1971. Motion seconded by Councilman McLaughlin. Discussion on Motion: Pres. Brodniak asked the attorney if this amendment would require publication and public hearing. Mr. Grabler replied it was not a substantial change and would not require advertisement. The motion was carried unanimously by those present on a roll call vote, and discussion continued on the original resolution.

Councilman Grossman asked about reimbursement from other townships and offered the following motion to amend Section 7 of the ordinance to read The Mayor of the Township of Marlboro is hereby authorized to enter into an agreement with the townships of Manalapan and Colts Neck in which each town shall pay the Township of Marlboro the sum of \$5,000 and so on as indicated. Motion seconded by Councilman McLaughlin. Discussion on Motion: President Brodniak asked the attorney if this amendment would require republication and a public hearing. Mr. Grabler replied in his opinion it would not, nor would the two changes together be substantial enough to require readvertisement. Councilman Grossman noted that the ordinance stated that the summer program shall be operated at a cost not to exceed \$10,000. Councilman McLaughlin withdrew his second of the motion and Councilman Grossman reintroduced his motion to amend Section 6 of the ordinance to read Shall be operated at a cost not to exceed \$15,000 and of this amount salaries shall not exceed \$10,000 and other expenses shall not exceed \$5,000, Section 7 should read The Townships shall each pay the Township of Marlboro the sum of \$5,000. The motion to amend was seconded by Councilman McLaughlin. Discussion on motion: President Brodniak again asked the attorney if this amendment would require republication and public hearing. Mr. Grabler replied it would. The motion to amend the ordinance was thereafter carried unanimously on a roll call vote.

President Brodniak announced that Resolution #91-71 would be tabled and called for a motion to advertise the amendments to this ordinance on Tuesday, May 18, 1971 in the Asbury Park Press with the notice required by law and that the same be

considered for final passage on Thursday, May 27, 1971 at 8 PM at Central School at which time all persons interested therein will be given an opportunity to be heard. So moved by Councilman McLaughlin, seconded by Councilman Grossman and carried unanimously.

(Note: Councilman Williams arrived at the meeting at approximately 8:45 P.M.)

UNFINISHED BUSINESS:

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #92-71

"WHEREAS, the Council of the Township of Marlboro on April 8, 1971 finally passed an ordinance entitled:

Ordinance #23-70

"AN ORDINANCE FURTHER AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS OR ZONES AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THE CONSTRUCTION AND THE NATURE AND EXTENT OF THE USE OF LAND; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE ESTABLISHING A BOARD OF ADJUSTMENT AND FIXING PENALTIES FOR VIOLATION IN THE TOWNSHIP OF MARLBORO" ADOPTED DECEMBER 16, 1965 AS AMENDED AND SUPPLEMENTED" as amended and corrected by Resolution No. 34-71 (known as "THE ZONING ORDINANCE OF THE TOWNSHIP OF MARLBORO")

and

WHEREAS, the above entitled ordinance was submitted to the Mayor; and

WHEREAS, within ten (10) days after receiving said ordinance, the Mayor returned the same with a statement setting forth his objections thereto;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro (at least 4 members voting affirmatively) that the veto of the above entitled ordinance by

the Mayor be overridden."

Seconded by Councilman McLaughlin.

Discussion: Councilman Grossman asked that the Clerk read the Mayor's veto message in full. Council President Brodniak said he had a copy of the veto message and read same. Councilman Grossman spoke against the ordinance, saying he felt the OR zone going into Monmouth Heights was wrong. He said there was no question but that we needed controlled growth in town in our residential zone so that our tax rate will remain stable and said that if the state would take over the school costs our tax rate would be stable. He criticized the ten acre cluster industrial zoning and said in his view it would preclude industrial as well as residential growth and said we should strike that portion of the ordinance regarding the new industrial zone and add a paragraph that we will continue the old three acre zoning for such time as a study is completed and a new amendment passed.

Councilman Czerny noted the ordinance does allow three acre industrial zoning in a large area and that Council intended to study the possibility of a municipally owned industrial park which would allow a variety of lot sizes. She said industry did not come into our town because we get our name in the paper too much and because people want a stable zoning ordinance which the court approves before they will sell their land. She noted that Mayor Salkind had already stated publicly that come November, assuming he is elected, he is going to change the zoning ordinance, and asked what kind of effect that statement would have on people. She said this was a good ordinance, prepared by professionals which the Master Plan was not, that it was solid and she stood behind it 100%.

Councilman McLaughlin said that we have heard that because the zoning ordinance does not rubber stamp the Master Plan that we ^{would} have a lot of suits, but this was not so. He said the Master Plan gave a general direction but the zoning ordinance was something that existed from day to day to regulate the growth of the town. Regarding the water and sewerage Council has prepared an amendment to the ordinance to rectify this situation affecting primarily Marlin Estates and the R-20 Zone in the Morganville area. He said our ordinance is strong and reasonable and felt it would be supported in the courts. Regarding the possibility of a municipally owned

industrial park, he mentioned some of the points to be researched by the study committee.

Councilman Grossman said that if the Governor's plan goes through the State will control the zoning and not the township and spoke of the desirability of having variable industrial zones. He said we should wait on the industrial zone until after we have the results of the study.

Councilman Williams said we could go on indefinitely making improvements to the ordinance but that for the sake of the ordinance which is in the courts, we should go ahead with what we have now and make our amendments later, rather than hold it up again.

The Mayor spoke regarding his veto message, and said he appreciated the change Council was introducing regarding water and sewerage, as suggested in his veto message. He said the Master Plan could not be ignored and that Council was going directly contrary to Governor Cahill's and Comm. Hume's direction. He criticized the industrial zoning at length and stated for the record the way this ordinance is being considered for adoption in overriding his veto is a deliberate attempt on the part of our elected and appointed legislative body to be able to stop the bringing in of ratables in this town at a time when we critically need it to hold the tax rate and that if we do not get in the ratables quickly and properly this year, that next year's tax rate on an unadjusted for reevaluation basis will be up over \$1.10 in addition to what it is this year. The Mayor read the Planning Board's resolution adopted last week recommending the Council sustain the Mayor's veto. The Mayor stated there were applications pending before the Planning Board for the approval of 59 homes and that U.S. Homes had an application for 22 additional homes. He said this was a chance for Council to act by sustaining his veto and the application would not be approved. He said if Council did not act to sustain his veto Council was inviting those homes to come into the township at a time when the schools can not afford them.

President Brodniak did not agree with Councilman Grossman regarding the state's concern about residential and industrial zoning, and said the state is concerned where townships have adopted restrictive zoning to keep out residential development and then down-graded their industrial zoning to attract industry. He disagreed with many portions of the Mayor's veto

which he said contained very little of substance and fact. He urged Council to override the veto and pay heed to the words of the Court before it is too late, bearing in mind that Council intends to proceed with further studies to improve this ordinance.

The resolution was thereafter adopted on the following roll call vote: Ayes: Councilmen Czerny, McLaughlin, Williams and Brodniak. Nays: Councilman Grossman.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #93-71

"BE IT RESOLVED by the Council of the Township of Marlboro that ordinance No. 4-71 entitled "An Ordinance Establishing A Code Regulating The Location, Construction, Alterations, Use And Supervision Of Individual and Semi-Public Water Supplies, Requiring Certain Permits, Providing For The Inspection of Such Supplies, The Fixing Of Fees And Prescribing Penalties For Violations" be amended by adding a section 2a. to read as follows:

Section 2a. Section 9.1 of the Individual and Semi-Public Water Supply Code of New Jersey (1966) be and the same is hereby amended to read as follows:

9.1 Licenses Or Permits

Water Supplies shall not be located, constructed or altered until the administrative authority or its authorized agent has issued a license or permit for such location, construction or alteration except that emergency repairs may be made provided that an application for a permit is made within 5 days after the completion of said emergency repairs.

BE IT FURTHER RESOLVED that the within Resolution be published in the Asbury Park Press on Tuesday, May 18, 1971 with the notice required by law and that same be considered for final passage on Thursday, May 27th, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said Resolution."

Seconded by Councilman Czerny.

Discussion: The Mayor stated this modification was consistent with the recommendations of the Advisory Health Council and the ordinance would be signed upon its passage. Councilman Grossman noted the reason why we are requiring an application five days after completion is so that there can be a proper inspection to make sure the repairs comply with the code itself. The resolution was thereafter adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution which was read by the Clerk:

RESOLUTION #94-71

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

Ordinance #4-71

"AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS"

be and the same is hereby adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Williams.

Discussion: Councilman Grossman pointed out this was the Health Council's recommendation and it was agreed upon by the Council that the amendment (Resolution #93-71) will be declared an emergency upon its adoption in order that the ordinance and its amendment can go into effect together. The resolution was thereafter adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #95-71

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

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ORDINANCE 471 AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PRO- VIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENAL- TIES FOR VIOLATIONS.

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey:

SECTION 1. A code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted pursuant to Chapter 188, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

SECTION 2. The said code established and adopted by this Ordinance is described and commonly known as the Individual and Semipublic Water Supply Code of New Jersey (1966) as approved by the State Department of Health, July 1, 1966.

SECTION 3. Three copies of the said Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the Director of the Division of Health upon the introduction of this ordinance and will remain on file in said office for the use and examination by the public. All references in said Code to board of health shall mean and include the Division of Health in the Department of Administration.

SECTION 4. (a). No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of said water supply shall have been issued by the Division of Health.

(b) The Division of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the code.

SECTION 5. (a) New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions hereto be sold or occupied, which must rely on such a supply for water, until the Division of Health shall have issued a certificate indicating that the said water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificates shall not be required for alteration to an existing water supply.

(b) The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Division of Health that the said water supply has been located and constructed in accordance with the terms of the permit and the requirements of the aforesaid code.

SECTION 6. In case any permit or certification required by this ordinance is denied by the Division of Health, a hearing shall be held thereon before the Director within fifteen (15) days after request therefor is made by the applicant and upon such hearing the Division of Health shall affirm, alter or rescind its previous determination

and take action accordingly within fifteen (15) days after the date of such hearing.

SECTION 7. The Division of Health may order all further work in and about any water supply, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

SECTION 8. The following fees and charges are herewith established:

(a) For the filing of an application and plans for a permit to locate and construct a water supply Twenty-five Dollars.

(b) For the filing of an application and plans for a permit to alter an existing water supply Fifteen Dollars.

(c) For the issuance of a permit to locate and construct or alter a water supply Five Dollars.

(d) For each reinspection of a water supply, or part thereof, caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, an inspection fee of Ten Dollars shall be charged.

SECTION 9. (a) Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this Ordinance or Individual and Semipublic Water Supply Code of New Jersey (1966) made a part hereof shall, upon conviction thereof, pay a penalty of not less than Five Dollars nor more than Five Hundred Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 10. All ordinances, codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice, the enforcement of the remaining provisions.

SECTION 12. This Ordinance and the Code herein established shall take effect 30 days after the first publication of the Ordinance in accordance with the provisions of R.S. 26:3-69.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held on Monday, April 12, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on April 27, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

TERESA R. ELDRIDGE,
Deputy Clerk

(\$60.48)

32930

0200

Ordinance #6-71

AN ORDINANCE AMENDING "AN ORDINANCE ADOPTING THE 'SWIMMING POOL CODE OF NEW JERSEY - 1970' REGULATING AND CONTROLLING THE LOCATION, CONSTRUCTION, ALTERATION, OPERATION AND LICENSING OF SWIMMING POOLS (EXCEPT THOSE ESTABLISHED OR MAINTAINED UPON ANY PREMISES BY ANY INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR GUESTS OF HIS HOUSEHOLD)", DECLARING AND DEFINING CERTAIN SWIMMING POOLS AS NUISANCES AND FIXING PENALTIES FOR VIOLATIONS" PASSED AND APPROVED APRIL 22, 1971.

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Tuesday, May 18, 1971 with the notice required by law and that the same be considered for final passage on Thursday, May 27, 1971 at 8 PM at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

At this point in the meeting, Councilman McLaughlin interrupted the regular order of business to introduce the following resolution:

RESOLUTION OF APPRECIATION

"WHEREAS, it is the expressed desire and will of Council President Joseph A. Brodniak to retire from his position as Councilman of the Township of Marlboro, County of Monmouth, and State of New Jersey on May 15, 1971; and

WHEREAS, Joseph A. Brodniak has served his community as Councilman since January, 1964 with dedication, sincerity of purpose and conscientious effort; and

WHEREAS, Joseph A. Brodniak has performed his duties as Councilman and Council President of the Council of the Township of Marlboro in a meritorious manner;

NOW, THEREFORE, BE IT RESOLVED that as duly elected representatives of the Township of Marlboro, we, the Mayor and Members of Council on behalf of the residents of the Township of Marlboro do hereby issue this 'Resolution of Appreciation' to Joseph A. Brodniak with deep and heartfelt appreciation for his services to our Township and to those citizens residing within the Township of Marlboro.

BE IT FURTHER RESOLVED that this 'Resolution of Appreciation' be entered into the public record and that a copy of this resolution be presented to Joseph A. Brodniak as a visible and lasting tribute from the residents of this community."

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Ordinance #8-71
AN ORDINANCE AMENDING "AN ORDINANCE ADOPTING THE 'SWIMMING POOL CODE OF NEW JERSEY-1970' REGULATING AND CONTROLLING THE LOCATION, CONSTRUCTION, ALTERATION, OPERATION AND LICENSING OF SWIMMING POOLS (EXCEPT THOSE: ESTABLISHED OR MAINTAINED UPON ANY PREMISES BY ANY INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR GUESTS OF HIS HOUSEHOLD), DECLARING AND DEFINING CERTAIN SWIMMING POOLS AS NUISANCES AND FIXING PENALTIES FOR VIOLATIONS" PASSED AND APPROVED APRIL 22, 1971.

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey as follows:

SECTION 1.

Section 4 of the above entitled ordinance be amended to read as follows:

Section 4. The following fees and charges are herewith established which fees are hereby imposed for revenue and for the purpose of defraying the cost of administration of this ordinance:

(a) For the issuance of a license to locate and construct a swimming pool, One Thousand (\$1,000.00) Dollars.

(b) For the issuance of a license to alter a swimming pool, Five Hundred (\$500.00) Dollars.

(c) For the issuance of a license to operate a swimming pool, Two Hundred Fifty (\$250.00) Dollars.

(d) Fees and charges for charitable and non-profit associations and corporations shall be Five Hundred (\$500.00) Dollars for the issuance of a license to locate and construct a swimming pool; Two Hundred Fifty (\$250.00) Dollars to alter a swimming pool; and One Hundred (\$100.00) Dollars for the annual license to operate a swimming pool.

SECTION 2.

This ordinance shall take effect upon its passage and publication according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(27.52) 7545

The resolution of appreciation was seconded by Councilman Czerny and adopted on the following roll call vote: Ayes: Councilmen Czerny, Grossman, McLaughlin and Williams. Council President Brodniak abstained. The Mayor stated for the record that he agrees.

Council President Brodniak received a standing ovation from all present.

As a further token of appreciation for his services, Councilman McLaughlin then presented a plaque to President Brodniak engraved as follows: Presented to Joseph A. Brodniak Council President, 1964-1971 for outstanding service to the Township of Marlboro, and signed by the members of Council.

Pres. Brodniak accepted the plaque, stating it would stand in a prominent place in his home.

The Chair declared a recess at this point in the meeting. The meeting was called back to order at 10:20 P.M., at which time Councilman McLaughlin offered a motion to move the regular order of business to introduce a resolution pertaining to old business. The motion was seconded by Councilman Grossman and carried unanimously.

Councilman McLaughlin then offered Resolution #95A-71, as follows:

RESOLUTION #95A-71

"WHEREAS the Council of the Township of Marlboro on March 11, 1971 finally passed an ordinance entitled

Ordinance #1-71

"AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FOR USE AS A SITE FOR A MUNICIPAL BUILDING AND OTHER MUNICIPAL PURPOSES IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$77,000 FROM THE CAPITAL IMPROVEMENT ACCOUNT AND THE CAPITAL IMPROVEMENT FUND TO FINANCE THE COST THEREOF"

and

WHEREAS thereafter the above entitled ordinance was submitted to the Mayor, and

WHEREAS within ten days after receiving said ordinance the Mayor returned the same with a statement setting forth

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ORDINANCE #1-71

AN ORDINANCE AUTHORIZING THE ACQUISITION OF LAND FOR USE AS A SITE FOR A MUNICIPAL BUILDING AND OTHER MUNICIPAL PURPOSES IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$77,000.00 FROM THE CAPITAL IMPROVEMENTS ACCOUNT AND THE CAPITAL IMPROVEMENT FUND TO FINANCE THE COST THEREOF.

BE IT ORDAINED, by the Council of the Township of Marlboro, in the County of Monmouth, New Jersey as follows:

SECTION 1. There is hereby authorized the acquisition, by purchase or condemnation, of land or easements therein, in the Township of Marlboro, County of Monmouth and State of New Jersey for use as a site for a municipal building in and for the Township of Marlboro, County of Monmouth and State of New Jersey, and for other municipal purposes, which premises are more particularly described as follows: BEGINNING at a point in the southeasterly line of Wyncrest Road at the dividing line between Block 59 Lot 18 and Block 59 Lot 4 on the Official Tax Map of the Township of Marlboro and from thence running (1) north 58 minutes 20 seconds west 205.37 feet along said dividing line to a point; thence (2) still along said boundary north 35 degrees 01 minutes 08 seconds west 93.06 feet to a point; thence (3) still along said boundary north 42 degrees 31 minutes 08 seconds west 106.26 feet to a point; thence (4) still along said boundary north 52 degrees 31 minutes 08 seconds west 104.94 feet to a point; thence (5) still along said boundary north 61 degrees 01 minutes 08 seconds west 148.45 feet to a point; thence (6) still along said boundary north 44 degrees 58 minutes 34 seconds west 89.24 feet to an iron pipe, beginning again at the beginning point and running thence (7) north 31 degrees 01 minutes 50 seconds east and approximately parallel with the southeasterly line of Wyncrest Road 775.73 feet to a point; thence (8) on a curve to the left having a radius of 97.50 feet and following approximately along the southwesterly line of Route 520, (Newman Springs Road), a distance of 107.96 feet to a point; thence (9) north 32 degrees 24 minutes 44 seconds west and following still approximately along the southwesterly line of Route 520 (Newman Springs Road), a distance of 89.35 feet to a point; thence (10) on a curve to the right having a radius of 311.50 feet and approximately parallel to Route 520 a distance of 213.22 feet to a point; thence (11) still along Route 520 (Newman Springs Road) north 06 degrees 48 minutes 20 seconds east 90.45 feet to a point; thence (12) still along approximately the right of way line of Route 520 (Newman Springs Road) on a curve to the left having a radius of 219.00 feet a distance of 248.46 feet to a point; thence (13) in a northwesterly direction along Monmouth County Route 520 a distance of 190 feet to a point; thence in a southwesterly direction be the distance what it may to the ending of the 6th course herein.

Together with the right, title and interest of the owner in any lands lying within the above described premises and the existing rights of way of Wyncrest Road and Route 520 (Newman Springs Road).

Being a tract of land containing approximately 20.5 acres more or less. Being also a portion of Block 59 Lot 4 on the Official Tax Map of the Township of Marlboro and located at the easterly corner of said Block 59 Lot 4.

SECTION 2. It is hereby found, determined and declared by this Council as follows:

A. That an appropriation was contained in a budget or budgets of the Township heretofore adopted under the caption "Capital Improvements-Land Acquisition Municipal Building;" and that there is now available in said appropriation the sum of \$92,500.00 which said sum is hereby appropriated to finance part of the cost of the above described acquisition.

B. That an appropriation was contained in a budget or budgets of the Township heretofore adopted under the caption "Capital Improvement Fund"; and that there is now available in said appropriation the sum of \$14,500.00 which said sum is hereby appropriated to finance part of the above described acquisition and that the cost of said acquisition including legal expenses shall not exceed \$77,000.00.

SECTION 3. This ordinance shall take effect 20 days after its final passage by Council and approval by the Mayor.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held February 3, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on February 25, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$51.84) 1/860

his objections thereto and

WHEREAS, public sentiment expressed in opposition to the condemnation of the site while it is under litigation has reached the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the veto of the above entitled ordinance be sustained."

Seconded by Councilman Grossman and following a brief discussion adopted on the following roll call vote:
Ayes: Councilmen Czerny, Grossman, McLaughlin and Williams. Nays: Council Pres. Brodniak.

NEW BUSINESS:

Councilman Williams asked to be excused at this point in the meeting because of production problems relating to his business. He left at approximately 10:40 P.M.

The Mayor asked that action be taken on Resolutions #107-71 and #108-71 in order to permit Mayor O'Hern of Red Bank, who was present on behalf of the applicant, to return to Red Bank.

The chair asked Councilman Czerny to offer Resolution #107-71, as follows:

RESOLUTION #107-71

"WHEREAS, the Planning Board on April 1st, 1971 granted tentative approval to a major subdivision application filed by Marlboro Industrial Park, Inc. under PB-70-28, subject to conditions set forth in its resolution; and

WHEREAS, the Planning Board on the same date granted final approval to said major subdivision subject to conditions set forth in said resolution; and

WHEREAS, the Monmouth County Planning Board has granted by resolutions dated February 17, 1971 and April 5, 1971, conditional final approval respectively subject to conditions set forth by the Monmouth County Planning Board; and

WHEREAS, the Township Engineer has reviewed the afore-said preliminary and final subdivision maps and has submitted his report;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the preliminary plat of Marlboro Industrial Park, Marlboro Township, Monmouth County, New Jersey covering premises known as Block 57, Lots 18A, 8 and 19 on the Official Tax Map of the Township of Marlboro and consisting of Sheets 1-18 inclusive, prepared by Karl F. Heuser, P.E. & L.S., dated June 1970, revised March 17, 1971, revised March 31, 1971 and revised May 8th, 1971, be and the same is hereby granted tentative approval;

BE IT FURTHER RESOLVED that the major subdivision map known as "Final Plat, Marlboro Industrial Park, Marlboro Township, Monmouth County, New Jersey, Scale 1"=100', dated March 24, 1971, Revised May 8, 1971", made by Richard K. Heuser, L.S., be and the same is hereby approved subject however to the following conditions:

1. Receipt of a duly executed deed to the Township of Marlboro, approved as to form by the Township Attorney, for additional right of way along Boundary Road as shown on said plat.
2. Receipt of a duly executed deed to the County of Monmouth, approved as to form by the Township Attorney, for additional right of way along Vanderburg Road as shown on said plat.
3. Receipt of a performance guarantee to the Township of Marlboro, in the form of a performance bond secured by cash, certified check or certificate of deposit in the amount of \$137,794.00.
4. Receipt of a performance guarantee to the Township of Marlboro Municipal Utilities Authority guaranteeing the installation of water mains in the subdivision in a form to be approved by the Municipal Utilities Authority Attorney in an amount to be determined by the Municipal Utilities Authority Engineer.
5. Receipt of cash or certified check by the Township of Marlboro, in the amount of \$6,889.70 representing 5% of the estimated cost of improvements for which the performance bond is posted, to cover cost of engineering supervision and inspection and receipt of cash or certified check by the

Municipal Utilities Authority of 5% of the estimated cost of water improvements to cover cost of engineering supervision and inspection of said water improvements.

6. That the easement for ingress and egress across Lot 5, Block 57B as shown on the aforesaid final plat be deleted before signing of the final plat.

7. Receipt of a performance guarantee in the form of a performance bond to the County of Monmouth in the amount of \$31,894.00 to guarantee installation of improvements required by the County of Monmouth and secured by cash, certified check or certificate of deposit in a form to be approved by the Monmouth County Planning Board.

8. Receipt of cash or certified check in the amount of \$90.00 to cover cost of revision of Township Tax Maps.

BE IT FURTHER RESOLVED, that upon compliance with the aforesaid conditions, the Mayor and Municipal Clerk, be and they are hereby authorized to sign the aforesaid final plat for the purpose of filing the same in the Monmouth County Clerk's Office."

The aforesaid resolution was offered by Councilman Czerny, seconded by Councilman McLaughlin and adopted un-animously on a roll call vote.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #108-71

"WHEREAS, the Planning Board has approved "Site Plan at Marlboro Industrial Park, Marlboro Township, Monmouth County, New Jersey, Scale 1"=50', dated March 23, 1971, Lot 2, Block 57B, revised March 31, 1971" made by Karl F. Heuser Associates, subject to conditions set forth in the Planning Board resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the aforesaid site plan be and the same is hereby approved subject to the conditions set forth in the Planning Board resolution and subject to the conditions set forth in the letter of Leon S. Avakian, Township Engineer, dated May 10, 1971."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote.

Councilman McLaughlin then offered the following resolution and urged its adoption:

RESOLUTION #106-71

"WHEREAS, the Planning Board on April 1st, 1971 approved a site plan for Delli Silverplate, Inc., which plan was also approved by the Monmouth County Planning Board March 18, 1971;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the aforesaid site plan of Delli Silverplate, Inc., be and the same is hereby approved subject to the requirements set forth in the letter of April 27, 1971 from the Township Engineer."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #96-71

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

Ordinance #7-71

"AN ORDINANCE PROVIDING FOR A HEALTH CERTIFICATE FOR PERSONS HANDLING OR SERVING FOOD, ADOPTING THE "RETAIL FOOD ESTABLISHMENT CODE OF NEW JERSEY (1965)", PROVIDING FOR THE LICENSING OF RETAIL FOOD ESTABLISHMENTS AND FIXING FEES FOR THE ISSUANCE OF SAID LICENSES

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Tuesday, May 18, 1971, with the notice required by law and that the same be considered for final passage on Thursday, May 27, 1971 at 8 PM at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman McLaughlin and adopted unanimously
5/13/71

Ordinance #7-71
AN ORDINANCE PROVIDING FOR A HEALTH CERTIFICATE FOR PERSONS HANDLING OR SERVING FOOD, ADOPTING THE "RETAIL FOOD ESTABLISHMENT CODE OF NEW JERSEY (1965)", PROVIDING FOR THE LICENSING OF RETAIL FOOD ESTABLISHMENTS AND FIXING FEES FOR THE ISSUANCE OF SAID LICENSES.
BE IT ORDAINED by the Council of the Township of Marlboro in the County of Monmouth as follows:

ARTICLE I
Medical Certificates

SECTION 1. Certificate required; issuance.

No person shall handle or serve, or employ any person to handle or serve, any food or drink that is to be sold for human consumption in the Township of Marlboro, until such person shall have filed with the Division of Health of Marlboro Township a certificate issued by a licensed physician of the State of New Jersey, attesting that such person is free from any disease of an infectious, communicable, contagious or pestilential nature.

SECTION 2. Forms for certificate; duration.

The medical certificate referred to in this ordinance shall be made out on blanks to be supplied by the Division of Health and shall be good for a period of twelve (12) months from date of examination.

ARTICLE II

Retail Food Establishment Code

SECTION 1. Code adopted by reference.

A code regulating retail food establishments and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

SECTION 2. Title

The said code established and adopted by this ordinance is commonly known as the "Retail Food Establishment Code of New Jersey (1965)."

SECTION 3. Copies on file.

Three (3) copies of the said "Retail Food Establishment Code of New Jersey (1965)" have been placed on file in the office of the Township Clerk of the Township of Marlboro upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance, for the use and examination of the public.

SECTION 4. Violations and penalties.

Any person who violated any provision of or order promulgated under said code established herein shall, upon conviction thereof, be liable to a penalty of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each violation. Each day a particular violation continues shall constitute a separate offense.

ARTICLE III

Licensing of Retail Food Establishments

SECTION 1. License required.

A. It shall be unlawful for any person or any body corporate to conduct a retail food establishment as defined in and governed by the Retail Food Establishment Code of New Jersey (1965) without first having procured a license from the local Division of Health so to do or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Retail Food Establishment Code of New Jersey (1965).

B. The above provisions shall apply also to peddlers of ice cream and milk products and peddlers of fresh produce and other foods.

SECTION 2. License fees.

The fees for licensing retail food establishments are hereby fixed as follows:

- A. Fifteen dollars (\$15.00) for all establishments with a seating capacity under fifty (50).
- B. Twenty-five dollars (\$25.00) for all establishments with a seating capacity over fifty (50).
- C. All public schools, all private, non-profit schools shall require a license in accordance with this ordinance. However, the fees for such license are hereby waived.
- D. Fifteen dollars (\$15.00) for peddlers of ice cream and milk products.
- E. Fifteen dollars (\$15.00) for peddlers of fresh produce and other foods.

SECTION 3. Suspension or revocation of license; notice and hearing; re-issuance.

A. Any license issued under the terms and provisions of this ordinance may be suspended or revoked by the Division of Health of this municipality for the violation by the licensee of any provision of this ordinance or the Retail Food Establishment Code of New Jersey (1965), or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation to whom such license was issued is conducted in a disorderly or improper manner or in violation of any law of the United States, the State of New Jersey or any ordinance of this municipality, or that the person or persons conducting the retail food establishment is of an unfit character to conduct the same, or that the purpose for which the license has been issued is being abused to the detriment of the public or is being used for a purpose foreign to that for which the license was issued.

B. A license issued under the terms and provisions of this ordinance shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the Health Officer. Written notice of the time and place of such hearing shall be served upon the licensee at least three (3) days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing before the Health Officer, the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Health Officer, the complaint may be dismissed or if the Health Officer concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

C. If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the township unless the application for such license shall be approved by the Division of Health.

SECTION 4. Nonapplicability to interstate commerce or governmental activity.

No provision of this ordinance shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal governments.

SECTION 5. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this ordinance pertaining to licensing shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), and each violation of any of the provisions of this ordinance, and each day the same is violated, shall be deemed and taken to be a separate and distinct offense.

SECTION 6.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$81.28) 7545

on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #97-71

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

Ordinance #8-71

AN ORDINANCE ADOPTING THE "FOOD AND BEVERAGE VENDING MACHINE CODE OF NEW JERSEY (1961)" AND REGULATING AND FIXING LICENSE AND PERMIT FEES FOR OPERATION AND MAINTENANCE OF FOOD AND BEVERAGE VENDING MACHINES OR DEVICES IN THE TOWNSHIP OF MARLBORO

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Tuesday, May 18, 1971 with the notice required by law and that the same be considered for final passage on Thursday, May 27, 1971 at 8 PM at Central School, Marlboro Township, at which time and place all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #98-71

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

Ordinance #9-71

AN ORDINANCE AMENDING ORDINANCE #23-70 KNOWN BY ITS SHORT TITLE AS "THE ZONING ORDINANCE OF THE TOWNSHIP OF MARLBORO"

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Tuesday, May 18,

This Is a Reprint of The Asbury Park Press

Ordinance #2871 AN ORDINANCE ADOPTING THE "FOOD AND BEVERAGE VENDING MACHINE CODE OF NEW JERSEY (1961)" AND REGULATING AND FIXING LICENSE AND PERMIT FEES FOR OPERATION AND MAINTENANCE OF FOOD AND BEVERAGE VENDING MACHINES OR DEVICES IN THE TOWNSHIP OF MARLBORO.

BE IT ORDAINED by the Council of the Township of Marlboro in the County of Monmouth as follows:

SECTION 1. Code adopted by reference.

A code regulating the use, operation and maintenance of food and beverage vending machines and licensees thereof; prohibiting the sale or possession with intent to sell through vending machines of adulterated or misbranded foods or drinks; authorizing inspection of vending machines and operations connected therewith; and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

SECTION 2. Title.
The said code established and adopted by this ordinance is described and commonly known as the "Food and Beverage Vending Machine Code of New Jersey (1961)."

SECTION 3. Copies on file.
Three (3) copies of the said "Food and Beverage Vending Machine Code of New Jersey (1961)" have been placed on file in the office of the Township Clerk upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance for the use and examination of the public.

SECTION 4. Permits and licenses required.

It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or as an officer of any corporation, or otherwise, to:

A. Engage in the operation of one (1) or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a permit from the Division of Health of this municipality so to do, or without complying with any and all of the provisions of the Food and Beverage Vending Machine Code of New Jersey (1961) as adopted or amended by the Township Council.

B. Maintain, or permit to be maintained, on or in any location in this municipality, one (1) or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a license for each such machine or device from the Division of Health of this municipality or without complying with any and all of the provisions of the Food and Beverage Vending Code of New Jersey (1961)

as adopted or amended by the Township Council.

SECTION 5. Permit and license fees.
A. The fees for permits and licenses, as required by §4 above, for the purpose of raising revenue, for regulation and control, to be paid annually to the Township of Marlboro, are hereby fixed as follows:

- (1) Permit fee, five dollars (\$5.00) per year.
- (2) License fee, one dollar (\$1.00) per machines per year.
- (3) Machines covered by this ordinance owned by and on the premises of nonprofit corporations shall pay no license fee and a one dollar (\$1.00) per year permit fee.

B. All permits and licenses issued under authority of this ordinance shall expire on the 31st day of January each year.

C. Permit and license fees shall be paid to the Division of Health.

SECTION 6. Application for and issuance of permits and licenses.

Application for and issuance of the permits and licenses referred to in §4 above shall be made in conformity with the provisions of the Food and Beverage Vending Code of New Jersey (1961) as adopted or amended by the Council of this municipality. Such permits and licenses are not transferable.

SECTION 7. Suspension, revocation or reinstatement of permits and licenses.

Permits and licenses issued under authority of this ordinance may be suspended, revoked or reinstated by the Division of Health of this municipality pursuant to the provisions of the Food and Beverage Vending Code of New Jersey (1961) as adopted or amended.

SECTION 8. Interstate commerce.
No provision of this ordinance shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.

SECTION 9. Violations and penalties.
Any person, firm or corporation who shall violate any of the provisions of this ordinance or order promulgated pursuant thereto shall, upon conviction thereof in a court of competent jurisdiction, be subject to a penalty of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each violation of any of the provisions of this ordinance, and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

SECTION 10.
This ordinance shall take effect upon its passage and publication as provided by law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(963.36) 7547

This Is a Reprint of The Asbury Park Press

Ordinance #9-71
AN ORDINANCE AMENDING ORDINANCE 23-70 KNOWN BY ITS SHORT TITLE AS "THE ZONING ORDINANCE OF THE TOWNSHIP OF MARLBORO"

BE IT ORDAINED by the Council of the Township of Marlboro in the County of Monmouth and State of New Jersey that the above entitled Ordinance be amended as follows:

SECTION 1.

Section 403.21. Water and Sewer Requirements as set forth in Ordinance 23-70 be and the same is hereby deleted.

SECTION 2.

This ordinance shall take effect upon its passage and publication as provided by law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$15.04) 7548

with the notice required by law and that the same be considered for final passage on Thursday, May 27, 1971 at 8 PM at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #99-71

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

Ordinance #10-71

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Tuesday, May 18, 1971 with the notice required by law and that the same be considered for final passage on Thursday, May 27, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman McLaughlin and adopted unanimously by those present upon a roll call vote.

(NOTE: Resolution #100-71 introducing the Land Sub-division Ordinance was not offered.)

(NOTE: Prior to the introduction of the following resolution, the Mayor was asked to turn over the Supplemental Debt Statement which he had in his possession to the Township Clerk for filing. He refused to do so, saying he would turn same over to the Clerk in the office the following day.)

Councilman Czerny offered the following resolution and urged its adoption:

Ordinance #10-71
**AN ORDINANCE OF THE TOWNSHIP
OF MARLBORO CREATING THE
WESTERN MONMOUTH REGIONAL
SEWERAGE AUTHORITY**

WHEREAS, there are in and about the Western Monmouth area waters which are polluted and subject to pollution by sewerage and industrial and other wastes arising from causes within the territories of the municipality and the other three municipalities hereinafter mentioned, and the Council of the Township of Marlboro has ascertained that there is imperative need to relieve such waters from pollution and thereby to reduce and ultimately abate the menace to the public health resulting from such pollution; and

WHEREAS, the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented) grants power to any two or more municipalities, the areas of which together comprises an integral body of territory, by means and through the agency of a sewerage authority, to acquire, construct, maintain, operate or improve works for the collection, treatment, purification or disposal of sewerage or other wastes, and the areas of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, together comprise such an integral body of territory, and

WHEREAS, the Council of the Township of Marlboro has decided and hereby determines that it is necessary and advisable and that it is in the best interests of the inhabitants of the Township of Marlboro that by joint or parallel action by or on behalf of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, each a municipal corporation of the State of New Jersey situated in the County of Monmouth and herein called "Municipalities", that there be created a sewerage authority pursuant to said Sewerage Authorities Law as a public body corporate and politic and an agency and instrumentality of said municipalities for the purposes of the relief of waters in or bordering upon the State from pollution arising from causes within the area of the Municipalities and the relief of waters in, bordering or entering said area from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, and to further provide for a collective approach solving the sewerage and pollution problem of the area of said Municipalities; now, therefore,

BE IT ORDAINED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

SECTION 1. Pursuant to the provisions of paragraph (c) Section 4 of the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented); there is hereby created a public body corporate and politic under the name and style of The Western Monmouth Regional Sewerage Authority.

SECTION 2. The Western Monmouth Regional Sewerage Authority is and shall be an agency and instrumentality of the said four Municipalities created by parallel ordinances duly adopted by their governing bodies, and is a sewerage authority as contemplated and provided for by said Sewerage Authorities Law and shall have and exercise all of the powers and perform all of the duties provided for by said Sewerage Authorities Law and any other statutes heretofore or hereafter enacted and applicable thereto.

SECTION 3. The Western Monmouth Regional Sewerage Authority shall consist of eight members thereof, and two of such members shall be appointed by the governing body of each of said municipalities in accordance with the provisions of said Sewerage Authorities Law.

SECTION 4. The Western Monmouth Regional Sewerage Authority shall be limited in its powers to install, maintain and operate interceptor mains and one or more sewerage treatments for the purposes of collecting and treating the sewerage from sewer lines and mains installed, maintained, operated and controlled by the participating municipalities or their local sewer or utility authorities. The areas to be serviced by said Western Monmouth Regional Sewerage Authority includes all of that area as shown on the attached map designated "Map of the Western Monmouth Regional Sewerage Authority", and may further include those areas outside said map area but which are presently serviced by the Pinebrook Sewer Company and other sewer utilities within the Municipalities comprising the Western Monmouth Regional Sewerage Authority area.

SECTION 5. A copy of this ordinance duly certified by the Township Clerk shall forthwith be filed by said Township Clerk in the Office of the Secretary of State of the State of New Jersey pursuant to the provisions of the said Sewerage Authority Law.

SECTION 6. This ordinance shall take effect twenty days after publication thereof by title after its final passage, as provided by law, but shall be of no further force or effect after June 30, 1971, unless on or before said date, a parallel ordinance shall have been adopted by the governing body of each of the other municipalities.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(3330.56) 7:50

RESOLUTION #101-71

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

Ordinance #12-71

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LANDS AND THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$490,000 FOR SUCH PURPOSES AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Tuesday, May 18, 1971 with the notice required by law and that the same be considered for final passage on Thursday, May 27, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman McLaughlin, and after a brief discussion adopted unanimously on a roll call vote.

(NOTE: The above ordinance was not published because the Supplemental Debt Statement had not been properly filed with the Township Clerk prior to its introduction.)

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #102-71

"WHEREAS, the Zoning Board of Adjustment on April 6th, 1971 recommended to the Council that Wickatunk Village, Inc., a corporation of the State of New Jersey, be granted a variance and extension of a nonconforming use to permit the maintenance and operation of a sewerage treatment plant on premises known as Block 33, Lot 15 on the Official Tax Map of the Township of Marlboro in order to receive and treat sewerage effluent from mobile homes situated on an adjoining 15 acre tract which proposed use is accessory to the principal

use of the operation of a mobile home park which is a prohibited use in connection with the premises known as Block 33, Lot 15, which premises are located in the R-2 Residential Zone of the Zoning Ordinance of the Township of Marlboro; and

WHEREAS, the Zoning Board of Adjustment made certain findings of fact as set forth in the resolution of the Zoning Board and concluded that there were special reasons within the meaning of R.S. 40:55-39 for the recommendation to the governing body of a variance and extension of an existing nonconforming use; and

WHEREAS, the aforesaid 15 acre tract upon which the applicant is operating a mobile home park is the subject of a nonconforming use which was declared by a judgment of the Superior Court of New Jersey, Law Division, Docket No. C-164157 P.W., which judgment allowed up to 8 mobile homes per acre or a total of 120 mobile homes on the aforesaid 15 acre tract; and

WHEREAS, the Council is of the opinion that in view of the fact that the applicant has voluntarily limited the number of mobile home spaces to 104 instead of the maximum of 120 as permitted by the court judgment so that the addition of the sewerage treatment plant to serve the mobile homes at the applicant's mobile home park will not substantially increase the intensity of the use beyond the terms of the nonconforming use which the applicant secured under the aforesaid court judgment; and

WHEREAS, the Council is of the opinion that the number of mobile home lots on the 15 acre tract which is the subject of the nonconforming use should be limited to the number of lots as are now set up and which are set forth in the application of Wickatunk Village, Inc. for its 1971 mobile home park license under the applicable ordinance of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro as follows:

1. The Council hereby adopts the factual findings set forth in the resolution of the Zoning Board of Adjustment of April 6th, 1971.

2. Special reasons exist pursuant to R.S.40:55-39 for the granting of the aforesaid variance for the installation

and operation of a sewerage treatment plant to serve the applicant's mobile home sites in its mobile home park.

BE IT FURTHER RESOLVED by the Council of the Township of Marlboro that Wickatunk Village, Inc., a corporation of the State of New Jersey be and is hereby granted a variance for the construction and operation of a sewerage treatment plant located on Block 33, Lot 15 for the purpose only of serving a maximum of 104 mobile home lots within a 15 acre area as set forth in a final judgment in the Superior Court under Docket No. C-164157 P.W., which variance is conditioned upon the applicant and its successors in interest being limited to a total of 104 mobile home park lots within the area of 15 acres as set forth in the aforesaid judgment of the Superior Court."

Seconded by Councilman Czerny.

Discussion: A discussion followed during which the Mayor and Councilman Grossman spoke of the problems relating to the effluent from the trailer park being pumped into the ditch near the Szymanski property, that it should not become Council policy to condone a violation of the law in that Wickatunk Village Inc. installed their sewerage treatment plant before obtaining a building permit and that some sort of penalty should be imposed. The Mayor displayed photos of the ditch. President Brodniak explained Council had to rely heavily on the State Board of Health and our own Health Officer's reports, but suggested Council table action on the resolution until it could further investigate the possibility of obtaining some form of guarantee to prevent any damage or harm to surrounding properties.

Action on Resolution #102-71 was tabled upon motion by Councilman Grossman to table action on the resolution. His motion was seconded by Councilman Czerny and carried unanimously by those present.

Mr. and Mrs. Adam Szymanski came forward and spoke of their problems with the pollution of their ditch since the sewerage treatment plant has been in operation.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #103-71

"WHEREAS, Walter Ashmont t/a Robertsville Mobile Park applied for a trailer coach park license for the calendar year 1971 for a total of seventeen (17) trailer spaces which license was approved by the Council on January 28, 1971; and

WHEREAS, said applicant simultaneously applied for a license for an additional eleven (11) spaces and the removal of three (3) existing spaces fronting on Highway 9, in accordance with Map No. 2 submitted with his application, which application has been investigated by the Township Attorney; and

WHEREAS, proof has been submitted to the Township Attorney by affidavit that the applicant has a non-conforming use for the additional trailers for which application was made;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Clerk be authorized to issue an amended 1971 Trailer Coach Park License to Walter Ashmont, t/a Robertsville Mobile Park, for an additional eleven (11) trailers in accordance with Map No. 2 on condition that the total trailer spaces shall not exceed twenty-five (25) spaces and that three (3) trailer coach spaces fronting on Highway 9 be removed."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #104-71

"WHEREAS, the Board of Education of the Township of Marlboro has pursuant to R.S. 54:4-75 requisitioned final payment for the 1970-71 Local School District Tax Levy in the amount of \$124,550.02;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian of School Moneys the sum of

\$124,550.02 for the final payment of the 1970-1971 Local School District Tax Levy, which payment shall be made within the next thirty days."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #105-71

"WHEREAS, the Council on June 25th, 1970 approved a minor subdivision for Frank Jastrzebski for Block 26, Lot 38 subject to a reservation for a period of one year for a future public park; and

WHEREAS, the subdivider has requested release of the aforesaid reservation and the Council has not taken any steps to acquire said property for public purposes and does not intend to take any such steps before the expiration of one year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, that the aforesaid reservation in the approval of the minor subdivision of Frank Jastrzebski reserving the premises for use as a public park for one year be and the same is hereby released and upon proper application, the Building Inspector be and he is hereby authorized to issue building permits in connection with said property."

Seconded by Councilman Czerny.

Discussion: President Brodniak offered a motion that the resolution be tabled until the next meeting. Motion seconded by Councilman McLaughlin. Discussion on motion: President Brodniak noted this land was originally set aside as a park site on the master plan and Council could have the opportunity to purchase same within one year. Councilman Grossman and the Mayor urged the resolution be adopted, saying Mr. Jastrzebski was anxious to commence construction on his home. The chair called for a recess to discuss the matter. The meeting was called back to order at 11:30 P.M. and the roll was called on the motion. Ayes: Brodniak and McLaughlin, Nays: Czerny and Grossman. The motion failed. The resolution was there-

after adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #109-71

"WHEREAS, Council recognizes the growing problems of pollution of our atmosphere, water and land resources and that positive steps are being taken by Federal, State and Local Governments to preserve and clean up such resources, and

WHEREAS, certain programs have been implemented which are showing some measures of success in surrounding communities, and

WHEREAS, Council wishes to embark upon a similar program to help in this preservation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Business Administrator set up methods and procedures and implement a program for the collection and disposition of bottles and cans for recycling."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered the bill-paying resolution, Resolution No. 110-71, copy of which is attached hereto and made a part hereof. The resolution was seconded by Councilman Grossman and adopted on the following roll call vote: Ayes: Councilmen Czerny, Grossman and McLaughlin. Abstain: Councilman Brodniak. Absent: Councilman Williams.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #111-71

"WHEREAS, the Mayor has advised officials and employees of the Administrative Departments, Boards and Agencies of the Township that inquiries for legal advice with respect to municipal matters are to be

RESOLUTION #110-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Howard M. Schoor	Retainer, Feb. Planning Bd. Work		\$ 200.00 537.50
W. Lawrence Krusen	Legal Services Bd. of Adjust. 9/1/70-12/17/70		1450.00
Sterling Thompson & Associates	Appraisals, pur- suant Bond. Ord.		650.00
H. Barry Shultz, Esq.	Retainer, March Planning Bd.		200.00
Leon S. Avakian, Inc.	Bond Ord. #10-70		28.27
The Bond Buyer	Adv. Bond Sale		232.05
N.J. Bell Tel. Co.	431-1734 to 4/19 431-1111 to 4/19	7.60 240.28	247.88
N.J. Natural Gas Co.	3/19-4/20 5380 3/19-4/20 4990 3/19-4/20 4978	8.98 4.16 147.13	160.27
Jersey Central Power & Light Co.	Street Lighting April 1971 Pub. Bldgs. & Grounds	2579.38 41.78	2621.16
Xerox Corp.	Inv. E24507800 Inv. 007522256 Inv. 007546824 Inv. E24999500	84.00 172.77 64.53 148.50	469.80
Mon. Co. Historical Society	Twp. of Marlboro 1971 Membership		100.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Brown Pub. Co.	Adv.Clean-up		8.00
Modern Print Service	Envelopes		165.00
Freehold Transcript	Adv,Clean-up		18.00
Mat-Key Press	Envelopes, Post Cards, Printing	358.00	
	Police, Daily Sheets	96.00	
	Edw. Savoie, Bus. Cards	53.05	507.05
Sloan Products	Police, Paper Products	10.75	
	Mun. Office	21.00	
	3 Cases Towels	28.00	59.75
Paul Linnett & Co.	Admin.Office supplies	117.84	
	Tax Office supplies	5.80	
	Police Supplies	25.60	184.54
Municipal Record Service, Inc.	Assessment Forms		43.35
Edward Usher	Tax Search Books		13.81
Bayshore Stationers	Police, Office supplies	41.52	
	Tax Assessor's supplies	3.10	44.62
A & A Coffee Service	1 Coffee Kit 4/8/71	24.00	
	1 Coffee Kit 4/29/71	24.00	48.00
Frank C. Gibson, Inc.	Repairs & Labor		46.10
Kepwel Spring Water	7-5 gal. s/w		10.50
Marlboro Waxing Serv.	Police Station Wash & Wax	29.00	
	Janitorial Serv. Police	20.00	
	Janitorial Serv. Reading Room	22.00	71.00
Freehold Transcript	Legal Adv.		17.76
Allen Warren Assoc.	Industrial Comm. Ad Prod., Postage, Mailing		683.08

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Collins & Smith, Inc.	Workmen's Comp. Policy		\$6960.00
Lester M. Heulitt	Bond Renewal- Earl Harrington		44.00
Amboy Generator Service, Inc.	Rebuilt Alternator		28.00
Tom's Ford, Inc.	Police, Brake Sets	26.66	
	Police, Brake Pads	18.27	
	Roads, Repairs	27.72	72.65
Joseph A. Mazzeo	Police Radio Repairs		97.00
William Quinn & Son	Police, 1 case Wadcutters		250.00
Franklin's Garage	Police Tires	102.00	
	Tire Repair	3.00	105.00
Bennett's Garage	4 Police Cars	13,568.00	
	Clutch Bearing	16.25	13,584.25
Walter Heath Co.	2 Rolatapes	69.50	
	1 Balance Scale	40.25	
	Siren, Speakers, Police Supplies	478.50	
	Fuses	60.00	648.25
Matty's Auto Parts	Police Supplies		153.55
Red, The Tailor	Police Uniforms, Chief Walker	164.40	
	Sgt. Krieger	45.90	210.30
Mullaney Tire Serv.	Tires, Mounting, Balancing-Police		355.14
Bob's Auto Electric	Rebuilt Alternator		24.50
Andiron Inn	11 Dinners, Police host to North. Mo. Co. Tactical Squad		94.88
Central Jersey Police Film Library	Membership 1971		500.00
Northern Mon. Co. Police Pact	Membership 1971		200.00
Scrub-A-Dub Car Wash	Police Dept.		22.50

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Atkinson & Smith, Inc.	Portable Radios Carrying cases		711.50
Sprague's Oil Serv.	Kerosene-Police	19.57	
	Gasoline-Police	869.56	
	Gasoline-Roads	343.74	
	Fuel Oil-Roads	35.40	1268.27
Colot's Service Station	Tire Repair-Roads		12.00
Red Bank Spring Service	Supplies-Roads		9.36
C.H. Roberson, Inc.	Supplies-Roads		30.70
Manzo Contracting Co.	Cold Patch	749.25	
	Stone	613.70	1362.95
Zep Mfg. Co.	Supplies-Roads		38.90
Harter Equip. Co.	Supplies-Roads		31.10
Alfred L. Storer	Services Rendered re clean-up	210.00	
	April Dumping	200.00	
	May Dumping	200.00	610.00
David Werbler	11 Cases Eggs, Recreation		82.50
Old Monmouth Peanut Brittle Co.	Chocolate Rabbits		22.40
Ryan Bros. t/a H&D Stationers	1000 Balloons		16.27
National Assoc. for Ed. of Young Children	Book on Recreation		6.75
Murry's Office Supply	Mimeo & Stencils paper		9.18
Alkit Camera	1 Cassette Recorder		82.25
Phila. Phillies	105 knothole tickets		26.25
Perry's Trophy Co.	1 Kicker 2 Runners, Basketballs -Pop , Warner	15.00 306.80	321.80

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Asbury-NY Transit	One bus Marl. to Morristown, & return		89.00
NJ State Assoc. for Retarded Children	Two Conf. tickets		8.00
Mon. Co. Bd. of Rec. Commissioners	Fee for Basketball Tournament entry		15.00
Alyce Lathrop	Expenses, Marl. Twp. Historical Society		115.00
NJ St. Dept. of Health-Rabies Control	Reg. fees		26.50
		Total	<hr/> \$37,063.19

Offered by: *Czyrny* Ayes: 3
 Seconded by: *Traveman* Nays: 0
 Absent: *Brodniak*
 Absent: *Williams*

The above resolution was adopted this 13th day of May, 1971.

Mildred F. Ackerman
 MILDRED F. ACKERMAN
 CLERK

Joseph A. Brodniak
 JOSEPH A. BRODNIAK
 COUNCIL PRESIDENT

directed to Marvin Schaefer, Esq., and that inquiries for legal advice and legal opinions are not to be directed to the Township Attorney James R. Minogue;

WHEREAS, it is the intent and purpose of the Administrative Code that the duly appointed Township Attorney shall be the legal advisor for all Township Administrative Departments, Boards and Agencies;

WHEREAS, the Council has not provided for the appointment of any other legal advisor to the township (with the exception of the Planning Board and Zoning Board of Adjustment attorneys) and has not created any office or position to be filled by Marvin Schaefer, Esq. and has not authorized his appointment;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that all Township Administrative officials and employees (with the exception of the Planning Board and Zoning Board of Adjustment members) be and they are hereby directed to refer all requests for legal advice and opinions on township matters to James R. Minogue, Esq., Marlboro Township Attorney, and to cease and desist from requesting any legal advice and opinions from Marvin Schaefer, Esq.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Business Administrator, Director of Finance, Tax Assessor, Tax Collector, Building Inspector, Chief of Police, Road Department Supervisor, Health Officer and all employees in the Township Municipal Offices, to the Secretaries of the Recreation Commission, Industrial Commission, Advisory Health Council, Local Assistance Board, and that a copy be posted on the bulletin board of the Township Municipal Offices."

Seconded by Councilman Czerny.

Discussion: Councilman Grossman objected to the resolution, saying that it was not necessary, that there was no way we can direct people not to use another attorney if they so wish and that whether or not Mr. Schaefer is paid for his services is a question that would be answered at a later date. He said the resolution was not pertinent at this particular point. The Mayor said that Mr. Minogue had received no requests from any member of the administrative branch for the past three weeks and that Mr. Minogue will not be paid for services to those departments. He said that Mr. Schaefer had written a letter to Mr. Minogue

requesting copies of all correspondence and that Mr. Minogue has refused. Councilmen McLaughlin, Czerny and Brodniak replied to the Mayor and Councilman Grossman. Pres. Brodniak said that being an administrative head doesn't give the Mayor the right to violate the law. The resolution was thereafter adopted on the following roll call vote: Ayes: Councilmen Czerny, McLaughlin and Brodniak. Abstain: Councilman Grossman. Absent: Councilman Williams.

Councilman Grossman then offered the following resolution:

RESOLUTION #112-71

"WHEREAS, on May 10, 1971 Council President Joseph A. Brodniak resigned his position on Council effective at midnight, May 15, 1971;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the resignation of Joseph A. Brodniak be and the same is hereby accepted, with regret, effective midnight, May 15, 1971."

Seconded by Councilman Czerny. Discussion: Councilman Grossman asked Mr. Brodniak to reconsider his resignation or that a non-candidate be appointed to fill his seat. Pres. Brodniak replied that his reasons for resigning were personal and that he had nothing to say about who Council appointed to fill his seat. The resolution was then adopted on the following roll call vote: Ayes: Councilmen Czerny and McLaughlin. Abstain: Councilmen Grossman and Brodniak. Absent: Williams.

At this point in the meeting, Councilman Grossman moved that a letter be forwarded to Levitt & Sons or Atlantic Seaboard that unless work is started with reference to the punch list submitted by Mr. Avakian and the work that needs to be done in the streams and brooks adjacent to Marblewood, Collingwood, Taylor, River, Fairview and Darby Roads by the 15th day of June, 1971, the township will undertake to do the corrective work and will charge the developer by the appropriate means including forfeiting of the bonds if necessary. Motion seconded by Councilman McLaughlin.

Discussion on motion: Pres. Brodniak said he had a discussion on this same subject with Mr. Avakian yesterday and that Mr. Avakian had recommended this action to Council and was in the process of preparing his report to Council. The motion was carried unanimously on a roll call vote by those present.

The Mayor asked that Council give formal approval to his request to establish a campaign ethics committee, as set forth in his letter of April 12, 1971. A motion that the committee requested by the Mayor be established was moved by Councilman Grossman. The motion died for lack of a second. President Brodniak stated that this Council has no business to make laws regarding political parties in this township.

President Brodniak then asked to be excused from the meeting, saying he was long overdue at home. He thanked the people for contributing to his growth and development and asked God's Blessings for each and everyone present. President Brodniak left the meeting at 12:10 A.M.

Councilman Grossman moved that Councilman McLaughlin be appointed Acting Council President. Motion seconded by Councilman Czerny and carried with Councilman McLaughlin abstaining.

ACTION ON MINUTES:

Acting Council President McLaughlin offered a motion that the approval or correction and approval of minutes be removed from the agenda and placed on the next agenda. Seconded by Councilman Grossman and carried unanimously on a roll call vote by those present.

MAYOR'S REPORT: The Mayor reported on the following matters:

Read the monthly report of the township investments, disclosing the total investments in the General Fund amounted to \$2,600,000 and other funds amounted to \$83,311.23.

Acknowledged receipt of Statement of General Funds for the period ending April 30, 1971.

Said he had instructed the Police Dept. to rigorously enforce the 25 mile per hour speed limits through the populated areas of the township.

Reported on the taking of bids for fuel oil and gasoline this morning. The only bid received was from Sprague's Oil Service. The mayor asked the attorney to prepare a resolution authorizing the contract for this bid and asked that the contract expire on December 31, 1971.

Reported that everyone in the Police Dept. had been fully trained in the Police Academy.

Acknowledged receipt of the Municipal Court Report and the Road Department Report.

Asked Council for action regarding the request of David Lowe to purchase a tax lien certificate on Spring Valley Road property.

Noted receipt of Tax Collector's report for the month of April, 1971.

Requested Council take action to introduce ordinance regarding the establishment of Shade Tree Commission, the hedge ordinance and the alternate member of the Planning Board ordinance.

Noted that under date of May 11, 1971 a letter was received from Henry J. Saling, Esq. on behalf of the Fire Commissioners of Fire District 1, urging the adoption of the 1970 Fire Prevention Code.

Acknowledged receipt of a letter from Mr. Hoch regarding the Recreation Commission's view on the Lloyd & Nolan Road property acquisition.

Acknowledged receipt of the Building Inspector's report for the month of April.

PUBLIC SESSION: The meeting was opened to the public at 12:25 A.M. Following the public session, Councilman Grossman moved to adjourn the meeting. Seconded by Councilman Czerny and carried unanimously on a roll call vote by those present. The meeting adjourned at 1 A.M.

Joseph A. Brodniak
JOSEPH A. BRODNIAK, Council Pres.
Minutes approved: 10/18/71
5/13/71

Mildred F. Ackerman 0229
MILDRED F. ACKERMAN, Clerk

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - MAY 27, 1971

The regular meeting of the Council of the Township of Marlboro was called to order at 8:10 P.M. Thursday, May 27, 1971 at Central School.

Following the moment of silence, Councilman McLaughlin led in the salute to our flag.

ROLL CALL: Present: Councilmen Czerny, Grossman, Williams and McLaughlin

Absent: None

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind and Clerk Mildred Ackerman.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #113-71

"BE IT RESOLVED by the Council of the Township of Marlboro that Richard A. Herman be and he is hereby appointed to the Township Council to fill the vacancy created by the resignation of Joseph A. Brodniak and he is to serve until the qualification of a person elected in accordance with the statutes."

Seconded by Councilman Czerny.

Discussion: Councilman Grossman said he indicated at the last meeting his feelings with reference to Mr. Brodniak's leaving the Council and hoped that with the advent of this appointment we start a new era of cooperation. Councilmen Czerny, Williams and McLaughlin spoke of Mr. Herman's qualifications and welcomed him to Council. The resolution was adopted on the following roll call vote: Ayes: Councilmen Czerny, Williams, McLaughlin. Nays: None Abstain: Councilman Grossman.

0230

Councilman Herman was sworn in by the Clerk and spoke briefly of the need for cooperation and his desire to serve

5/27/71

the town.

Councilman Grossman then offered the following resolution and urged its adoption:

RESOLUTION #114-71

"BE IT RESOLVED by the Council of the Township of Marlboro that John J. McLaughlin be and he is hereby elected as President of Council to fill the vacancy created by the resignation of Joseph A. Brodniak."

Seconded by Councilman Czerny and adopted on a roll call vote with Councilman McLaughlin abstaining.

Council President McLaughlin spoke of some of the matters that had come up before Council since he became a member. He touched on such subjects as Council's opposition to garden apartments, the preservation of Burnt Fly Bog, the HUD grant, the search for industrial ratables and the committee to be appointed tonight to study a municipally owned industrial park, holding the line on taxes, the sanitation study and ecology, the road program, recreation, development of the Master Plan, the new zoning ordinance and the procedure for Council meetings in the future.

President McLaughlin announced Council will meet every Monday evening (although the first meeting would be Tuesday, June 1 because of the Memorial Day holiday). The first and third meetings of the month will be devoted to discussions with any Board or Agency in the township. The second and fourth Mondays is for the regular Council agenda sessions. He said Council would like to have better communication with the Boards, Agencies and people of the town.

Councilman Grossman asked that Council revise the agenda so that the Mayor's report is given at the beginning of the meeting before the business portion. President McLaughlin said Council would take his request under consideration.

President McLaughlin reviewed the agenda and explained the procedure on the public hearings to be conducted this evening. He introduced Dr. Norman Weiner, Chairman of the Health Advisory Council, who was seated at the Council table.

PUBLIC HEARING: Amending Ordinance #4-71 regarding emergency repairs to individual and semi-public water supplies (Resolution #93-71)

Reprints were available to the public.

Mr. J. Cohen, Hill Circle, said he wanted to put a well in for the purpose of sprinkling his lawn and asked what the procedure was.

Mr. Minogue replied the ordinance provides for a permit procedure whereby you pay a fee and then you would be issued a permit if your system complies with the code. Dr. Weiner agreed with Mr. Minogue.

Mr. David Silverman, Sudbury Road, asked what the fee was. Mr. Minogue replied \$25.00 and \$5.00. Mr. Silverman then asked if the water had to be tested by the Board of Health.

Health Officer Isadore Sackowitz replied the intent of this ordinance is to provide a potable water supply for those dwellings that cannot have water from the public system, and not to provide a separate well. He explained the potential hazards of cross-connection and said if he was to enforce this ordinance he will take a position that the ordinance pertains to those dwellings, and that people who wish to drill a well for irrigation purposes will be discouraged as it is too dangerous. He said we have no way to control an inter-connection and that the ordinance addresses itself to a basic water system.

Mr. Russell Marshall, Halifax Drive, said he understood the hazards involved, but asked what if a man puts in a deep well not a surface well.

Mr. Sackowitz reiterated his former position for the public's benefit.

As no one else wished to speak on the ordinance, motion to close the public hearing was offered by Councilman Herman, seconded by Councilman Grossman and carried unanimously on a roll call vote. The public hearing closed at 8:50 P.M.

This Is A Reprint of The Asbury Park Press

RESOLUTION #33-71

BE IT RESOLVED, by the Council of the Township of Marlboro that ordinance No. 4-71 entitled "An Ordinance Establishing A Code Regulating The Location, Construction, Alterations, Use And Supervision Of Individual And Semi-Public Water Supplies, Requiring Certain Permits, Providing For The Inspection Of Such Supplies, The Fixing Of Fees And Prescribing Penalties For Violations" be amended by adding a section 2a. to read as follows:

Section 2a. Section 9.1 of the Individual and Semi-Public Water Supply Code of New Jersey (1966) be and the same is hereby amended to read as follows:

9.1 Licenses Or Permits

Water Supplies shall not be located, constructed or altered until the administrative authority or its authorized agent has issued a license or permit for such location, construction or alteration except that emergency repairs may be made provided that an application for a permit is made within 5 days after the completion of said emergency repairs.

BE IT FURTHER RESOLVED, that the within Resolution be published in the Asbury Park Press on Tuesday, May 18, 1971 with the notice required by law and that same be considered for final passage on Thursday, May 27th, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said Resolution.

Ayes: Czerny, Grossman, Williams, McLaughlin and Brodniak

Nays: none

Offered by: Grossman

Seconded by: Czerny

The above resolution was adopted this 13th day of May 1971.

JOSEPH A. BRODNIAK

Council President

MILDRED F. ACKERMAN

Clerk

NOTICE

Public notice is hereby given that the above resolution amending proposed Ordinance #4-71 was passed at a regular meeting of the Council of the Township of Marlboro held Thursday, May 13, 1971 and that said amendments to Ordinance #4-71 set forth in the above resolution will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on May 27, 1971 at 8 P.M. or as soon thereafter as said matter can be reached, at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(526.56) 7544

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #115-71

"BE IT RESOLVED by the Council of the Township of Marlboro that Ordinance #4-71, entitled "AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATIONS, USE AND SUPERVISION OF INDIVIDUAL AND SEMI-PUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS" be and it is hereby amended in accordance with Resolution #93-71."

Seconded by Councilman Williams. A discussion followed regarding the points raised during the public hearing and Mr. Sackowitz's interpretation of the ordinance, and Council agreed unanimously to discuss the matter further with the Township Attorney and the Mayor. The resolution was thereafter adopted unanimously on a roll call vote.

PUBLIC HEARING: Ordinance #6-71 (An Ordinance Amending the Swimming Pool Code of New Jersey, etc.)

Reprints of the ordinance were available to the public.

As no one wished to speak regarding the ordinance, Councilman Czerny moved that the public meeting be closed. Seconded by Councilman Herman and carried unanimously on a roll call vote.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #116-71

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

Ordinance #6-71

AN ORDINANCE AMENDING "AN ORDINANCE ADOPTING THE 'SWIMMING POOL CODE OF NEW JERSEY - 1970' REGULATING AND CONTROLLING THE LOCATION, CONSTRUCTION, ALTERATION, OPERATION AND LICENSING

0234

This is A Reprint of The Asbury Park Press

**ORDINANCE 4-71
AN ORDINANCE ESTABLISHING A
CODE REGULATING THE LOCATION,
CONSTRUCTION, ALTERATION, USE
AND SUPERVISION OF INDIVIDUAL
AND SEMIPUBLIC WATER SUPPLIES,
REQUIRING CERTAIN PERMITS, PRO-
VIDING FOR THE INSPECTION OF
SUCH SUPPLIES, THE FIXING OF
FEES AND PRESCRIBING PENAL-
TIES FOR VIOLATIONS.**

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey:

SECTION 1. A code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted pursuant to Chapter 188, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

SECTION 2. The said code established and adopted by this Ordinance is described and commonly known as the Individual and Semipublic Water Supply Code of New Jersey (1966) as approved by the State Department of Health, July 1, 1966.

SECTION 3. Three copies of the said Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the Director of the Division of Health upon the introduction of this ordinance and will remain on file in said office for the use and examination by the public. All references in said Code to board of health shall mean and include the Division of Health in the Department of Administration.

SECTION 4. (a). No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of said water supply shall have been issued by the Division of Health.

(b) The Division of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the code.

SECTION 5. (a) New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions hereto be sold or occupied, which must rely on such a supply for water, until the Division of Health shall have issued a certificate indicating that the said water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificates shall not be required for alteration to an existing water supply.

(b) The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Division of Health that the said water supply has been located and constructed in accordance with the terms of the permit and the requirements of the aforesaid code.

SECTION 6. In case any permit or certification required by this ordinance is denied by the Division of Health, a hearing shall be held thereon before the Director within fifteen (15) days after request therefor is made by the applicant and upon such hearing the Division of Health shall affirm, alter or rescind its previous determination

and take action accordingly within fifteen (15) days after the date of such hearing.

SECTION 7. The Division of Health may order all further work in and about any water supply, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

SECTION 8. The following fees and charges are hereby established:

(a) For the filing of an application and plans for a permit to locate and construct a water supply Twenty-five Dollars.

(b) For the filing of an application and plans for a permit to alter an existing water supply Fifteen Dollars.

(c) For the issuance of a permit to locate and construct or alter a water supply Five Dollars.

(d) For each reinspection of a water supply, or part thereof, caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, an inspection fee of Ten Dollars shall be charged.

SECTION 9 (a) Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this Ordinance or Individual and Semipublic Water Supply Code of New Jersey (1966) made a part hereof shall, upon conviction thereof, pay a penalty of not less than Five Dollars nor more than Five Hundred Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 10. All ordinances, codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice, the enforcement of the remaining provisions.

SECTION 12. This Ordinance and the Code herein established shall take effect 30 days after the first publication of the Ordinance in accordance with the provisions of R.S. 26:3-69.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a special meeting of the Council of the Township of Marlboro held on Monday, April 12, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on April 27, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

**TERESA R. ELDRIDGE,
Deputy Clerk**

(\$60.48)

32950

0235

This Is A Reprint of The Asbury Park Press

Ordinance #25-71
AN ORDINANCE AMENDING "AN ORDINANCE ADOPTING THE 'SWIMMING POOL CODE OF NEW JERSEY-1970' REGULATING AND CONTROLLING THE LOCATION, CONSTRUCTION, ALTERATION, OPERATION AND LICENSING OF SWIMMING POOLS (EXCEPT THOSE ESTABLISHED OR MAINTAINED UPON ANY PREMISES BY ANY INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR GUESTS OF HIS HOUSEHOLD), DECLARING AND DEFINING CERTAIN SWIMMING POOLS AS NUISANCES AND FIXING PENALTIES FOR VIOLATIONS" PASSED AND APPROVED APRIL 22, 1971.

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey as follows:

SECTION 1.

Section 4 of the above entitled ordinance be amended to read as follows:

Section 4. The following fees and charges are herewith established which fees are hereby imposed for revenue and for the purpose of defraying the cost of administration of this ordinance:

- (a) For the issuance of a license to locate and construct a swimming pool, One Thousand (\$1,000.00) Dollars.
- (b) For the issuance of a license to alter a swimming pool, Five Hundred (\$500.00) Dollars.
- (c) For the issuance of a license to operate a swimming pool, Two Hundred Fifty (\$250.00) Dollars.
- (d) Fees and charges for charitable and non-profit associations and corporations shall be Five Hundred (\$500.00) Dollars for the issuance of a license to locate and construct a swimming pool; Two Hundred Fifty (\$250.00) Dollars to alter a swimming pool; and One Hundred (\$100.00) Dollars for the annual license to operate a swimming pool.

SECTION 2.

This ordinance shall take effect upon its passage and publication according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(\$27.52) 7545

OF SWIMMING POOLS (EXCEPT THOSE ESTABLISHED OR MAINTAINED UPON ANY PREMISES BY ANY INDIVIDUAL FOR HIS OWN OR HIS FAMILY'S USE OR GUESTS OF HIS HOUSEHOLD)', DELCARING AND DEFINING AND FIXING PENALTIES FOR VIOLATIONS" PASSED AND APPROVED APRIL 22, 1971

be and the same is hereby adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

The Mayor said that he would approve the passage of Ordinance #6-71 as of May 27, 1971.

PUBLIC HEARING: Ordinance #7-71 "AN ORDINANCE PROVIDING FOR A HEALTH CERTIFICATE FOR PERSONS HANDLING OR SERVING FOOD, ADOPTING THE "RETAIL FOOD ESTABLISHMENT CODE"etc.

Reprints of the ordinance were available to the public.

Dr. Weiner gave a brief description of the code.

Mr. Thomas Antisell said some of the health ordinances in adjacent townships provide for initial inspection but there was no follow through inspection.

Mr. George Ruzicka asked Dr. Weiner if the code also pertains to a farmer selling produce from a roadside table stand. Dr. Weiner replied yes, it did provide for that.

Pres. McLaughlin called upon Health Officer Sackowitz to speak as Mr. Sackowitz was not in complete agreement with the provision regarding the medical certificate.

Mr. Sackowitz said the policy of supporting medical examinations for food handling was abandoned by the State 20 or 30 years ago, as it gave no assurance that the food handlers will remain in good health. He said it gave a false assurance to the people, was too expensive, created hardships and places the inspector in the position of challenging the decision of a doctor. He said it was a regressive step that accomplishes nothing.

This Is a Reprint of The Asbury Park Press

Ordinance #7-71
AN ORDINANCE PROVIDING FOR A HEALTH CERTIFICATE FOR PERSONS HANDLING OR SERVING FOOD, ADOPTING THE "RETAIL FOOD ESTABLISHMENT CODE OF NEW JERSEY (1965)", PROVIDING FOR THE LICENSING OF RETAIL FOOD ESTABLISHMENTS AND FIXING FEES FOR THE ISSUANCE OF SAID LICENSES.

BE IT ORDAINED by the Council of the Township of Marlboro in the County of Monmouth as follows:

ARTICLE I

Medical Certificates

SECTION 1. Certificate required; issuance.

No person shall handle or serve, or employ any person to handle or serve, any food or drink that is to be sold for human consumption in the Township of Marlboro, until such person shall have filed with the Division of Health of Marlboro Township a certificate issued by a licensed physician of the State of New Jersey, attesting that such person is free from any disease of an infectious, communicable, contagious or pestilential nature.

SECTION 2. Forms for certificate; duration.

The medical certificate referred to in this ordinance shall be made out on blanks to be supplied by the Division of Health and shall be good for a period of twelve (12) months from date of examination.

ARTICLE II

Retail Food Establishment Code

SECTION 1. Code adopted by reference.

A code regulating retail food establishments and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

SECTION 2. Title

The said code established and adopted by this ordinance is commonly known as the "Retail Food Establishment Code of New Jersey (1965)".

SECTION 3. Copies on file.

Three (3) copies of the said "Retail Food Establishment Code of New Jersey (1965)" have been placed on file in the office of the Township Clerk of the Township of Marlboro upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance, for the use and examination of the public.

SECTION 4. Violations and penalties.

Any person who violated any provision of or order promulgated under said code established herein shall, upon conviction thereof, be liable to a penalty of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each violation. Each day a particular violation continues shall constitute a separate offense.

ARTICLE III

Licensing of Retail Food Establishments

SECTION 1. License required.

A. It shall be unlawful for any person or any body corporate to conduct a retail food establishment as defined in and governed by the Retail Food Establishment Code of New Jersey (1965) without first having procured a license from the local Division of Health so to do or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Retail Food Establishment Code of New Jersey (1965).

B. The above provisions shall apply also to peddlers of ice cream and milk products and peddlers of fresh produce and other foods.

SECTION 2. License fees.

The fees for licensing retail food establishments are hereby fixed as follows:

- Fifteen dollars (\$15.00) for all establishments with a seating capacity under fifty (50).
- Twenty-five dollars (\$25.00) for all establishments with a seating capacity over fifty (50).
- All public schools, all private, non-profit schools shall require a license in accordance with this ordinance. However, the fees for such license are hereby waived.
- Fifteen dollars (\$15.00) for peddlers of ice cream and milk products.
- Fifteen dollars (\$15.00) for peddlers of fresh produce and other foods.

SECTION 3. Suspension or revocation of license; notice and hearing; re-issuance.

A. Any license issued under the terms and provisions of this ordinance may be suspended or revoked by the Division of Health of this municipality for the violation by the licensee of any provision of this ordinance or the Retail Food Establishment Code of New Jersey (1965), or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation to whom such license was issued is conducted in a disorderly or improper manner or in violation of any law of the United States, the State of New Jersey or any ordinance of this municipality, or that the person or persons conducting the retail food establishment is of an unfit character to conduct the same, or that the purpose for which the license has been issued is being abused to the detriment of the public or is being used for a purpose foreign to that for which the license was issued.

B. A license issued under the terms and provisions of this ordinance shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the Health Officer. Written notice of the time and place of such hearing shall be served upon the licensee at least three (3) days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing before the Health Officer, the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Health Officer, the complaint may be dismissed or if the Health Officer concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

C. If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the township unless the application for such license shall be approved by the Division of Health.

SECTION 4. Nonapplicability to interstate commerce or governmental activity.

No provision of this ordinance shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal governments.

SECTION 5. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this ordinance pertaining to licensing shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), and each violation of any of the provisions of this ordinance, and each day the same is violated, shall be deemed and taken to be a separate and distinct offense.

SECTION 6.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(\$81.28) 7546

The Mayor disagreed with Mr. Sackowitz and read a letter dated May 27, 1971 from Mr. Hartnett stating he did not feel it would be in the best interests of patrons of eating establishments to approve the waiver of the requirement of health examinations. Attached to Mr. Hartnett's letter was a copy of Chapter II, Reportable Diseases, effective November 15, 1966.

Dr. Weiner said he would like to see the ordinance remain as it is, although requiring a health certificate makes it administratively more difficult to handle.

Mr. Russell Marshall, Halifax Drive, said he agreed with the Mayor that we should have some sort of control even though it is minimal.

Mr. John Dorsey, 2 Hill Circle, said he recently graduated from college and most of his professors agreed with Mr. Sackowitz. He suggested some type of educational program for food handlers was needed.

Pres. McLaughlin asked Dr. Weoner to discuss Mr. Dorsey's suggestion with the Advisory Health Council.

Mr. Neil Berkholtz, Bruce Road, said that probably a little control is better than none at all and that maybe we should go a little further and require more.

As noone welse wished to speak regarding the ordinance, motion to close the public hearing was offered by Councilman Grossman, seconded by Councilman Herman and carried unanimously on a rollcall vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #117-71

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

Ordinance #7-71

AN ORDINANCE PROVIDING FOR A HEALTH CERTIFICATE FOR PERSONS HANDLING OR SERVING FOOD, ADOPTING THE "RETAIL FOOD ESTABLISHMENT CODE OF NEW JERSEY (1965)", PROVIDING FOR THE LICENSING OF RETAIL FOOD ESTABLISHMENTS AND FIXING FEES FOR THE ISSUANCE OF SAID LICENSES

be and the same is hereby adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

PUBLIC HEARING: Ordinance #8-71 (An ordinance adopting the "Food and Beverage Vending Machine Code of New Jersey (1961) etc.

Reprints of the ordinance were available to the public.

Mr. Spencer Halper questioned the permit fees and asked why a bubble gum machine should be charged the same as a milk machine.

Dr. Weiner replied this was an administrative matter, that the fee was based on the cost of inspection and operating the department. He said he was not familiar with any townships that had a graduated fee schedule.

The Mayor pointed out that we had no experience with this, but that this was only a start.

As no one else wished to speak on the ordinance, Councilman Herman moved that the public hearing be closed. Seconded by Councilman Williams and carried unanimously.

The public hearing closed at 9:30 P.M.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #118-71

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

Ordinance #8-71

AN ORDINANCE ADOPTING THE "FOOD AND BEVERAGE VENDING MACHINE CODE OF NEW JERSEY (1961)" AND REGULATING AND FIXING LICENSE AND PERMIT FEES FOR OPERATION AND MAINTENANCE OF FOOD AND BEVERAGE VENDING MACHINES OR DEVICES IN THE TOWNSHIP OF MARLBORO

This is a Reprint of The Asbury Park Press

Ordinance #8-71 AN ORDINANCE ADOPTING THE "FOOD AND BEVERAGE VENDING MACHINE CODE OF NEW JERSEY (1961)" AND REGULATING AND FIXING LICENSE AND PERMIT FEES FOR OPERATION AND MAIN- TENANCE OF FOOD AND BEVER- AGE VENDING MACHINES OR DE- VICES IN THE TOWNSHIP OF MARLBORO.

BE IT ORDAINED by the Council of the Township of Marlboro in the County of Monmouth as follows:

SECTION 1. Code adopted by reference.

A code regulating the use, operation and maintenance of food and beverage vending machines and licensure thereof; prohibiting the sale or possession with intent to sell through vending machines of adulterated or misbranded foods or drinks; authorizing inspection of vending machines and operations connected therewith; and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

SECTION 2. Title.
The said code established and adopted by this ordinance is described and commonly known as the "Food and Beverage Vending Machine Code of New Jersey (1961)."

SECTION 3. Copies on file.
Three (3) copies of the said "Food and Beverage Vending Machine Code of New Jersey (1961)" have been placed on file in the office of the Township Clerk upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance for the use and examination of the public.

SECTION 4. Permits and licenses required.

It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or as an officer of any corporation, or otherwise, to:

A. Engage in the operation of one (1) or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a permit from the Division of Health of this municipality so to do, or without complying with any and all of the provisions of the Food and Beverage Vending Machine Code of New Jersey (1961) as adopted or amended by the Township Council.

B. Maintain, or permit to be maintained, on or in any location in this municipality, one (1) or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a license for each such machine or device from the Division of Health of this municipality or without complying with any and all of the provisions of the Food and Beverage Vending Code of New Jersey (1961)

as adopted or amended by the Township Council.

SECTION 5. Permit and license fees.
A. The fees for permits and licenses, as required by §4 above, for the purpose of raising revenue, for regulation and control, to be paid annually to the Township of Marlboro, are hereby fixed as follows:

- (1) Permit fee, five dollars (\$5.00) per year.
- (2) License fee, one dollar (\$1.00) per machines per year.
- (3) Machines covered by this ordinance owned by and on the premises of nonprofit corporations shall pay no license fee and a one dollar (\$1.00) per year permit fee.

B. All permits and licenses issued under authority of this ordinance shall expire on the 31st day of January each year.

C. Permit and license fees shall be paid to the Division of Health.

SECTION 6. Application for and issuance of permits and licenses.

Application for and issuance of the permits and licenses referred to in §4 above shall be made in conformity with the provisions of the Food and Beverage Vending Code of New Jersey (1961) as adopted or amended by the Council of this municipality. Such permits and licenses are not transferable.

SECTION 7. Suspension, revocation or reinstatement of permits and licenses.

Permits and licenses issued under authority of this ordinance may be suspended, revoked or reinstated by the Division of Health of this municipality pursuant to the provisions of the Food and Beverage Vending Code of New Jersey (1961) as adopted or amended.

SECTION 8. Interstate commerce.

No provision of this ordinance shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.

SECTION 9. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this ordinance or order promulgated pursuant thereto shall, upon conviction thereof in a court of competent jurisdiction, be subject to a penalty of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each violation of any of the provisions of this ordinance, and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

SECTION 10.
This ordinance shall take effect upon its passage and publication as provided by law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$63.36) 7547

be and the same is hereby adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Williams and adopted unanimously on a roll call vote.

The Mayor spoke of the dedicated work being done by the Health Advisory Council, Dr. Weiner and the DAMP committee, and thanked the entire group for their efforts.

Dr. Weiner thanked the Council for their cooperation in having these ordinances passed and urged the Council to straighten out the matter of the individual and semi-public water supply ordinance.

PUBLIC HEARING: Ordinance #9-71 (An ordinance amending The Zoning Ordinance)

Reprints of the ordinance were available to the public.

Mr. Harvey Gordon, Sudbury Road, asked what had been deleted.

Mr. Russell Marshall, Halifax Drive, said this had some relation to the well problem and he would like to see it taken care of.

As no one else wished to speak on the ordinance, motion to close the public hearing was moved by Councilman Grossman, seconded by Councilman Herman and carried unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #119-71

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

Ordinance #9-71

AN ORDINANCE AMENDING ORDINANCE #23-70 KNOWN BY ITS SHORT TITLE AS "THE ZONING ORDINANCE OF THE TOWNSHIP OF MARLBORO"

be and the same is hereby adopted on second and final reading
5/27/71

This Is a Reprint of The Asbury Park Press

Ordinance #9-71
AN ORDINANCE AMENDING ORDINANCE 23-70 KNOWN BY ITS SHORT TITLE AS "THE ZONING ORDINANCE OF THE TOWNSHIP OF MARLBORO"

BE IT ORDAINED by the Council of the Township of Marlboro in the County of Monmouth and State of New Jersey that the above entitled Ordinance be amended as follows:

SECTION 1.

Section 403.21. Water and Sewer Requirements as set forth in Ordinance 23-70 be and the same is hereby deleted.

SECTION 2.

This ordinance shall take effect upon its passage and publication as provided by law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$15.04) 7548

and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

PUBLIC HEARING: Ordinance #10-71 "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY"

Reprints of the ordinance and map were available to the public.

Council President McLaughlin explained the proposed makeup of the regional sewerage authority and its purposes.

Mr. Jerome Perelson, Girard Street, asked what action the other participants in the program had taken.

Pres. McLaughlin said that Englishtown and Freehold have introduced the ordinance, but he was not sure about Manalapan. He said the agreement was that everybody would have the ordinance in effect by June 30th.

Mr. Robert French asked if the regional authority would own everything in all the towns.

Pres. McLaughlin said this is the purpose of the feasibility study and that it would have to be worked out legally.

Mr. French asked what our position was regarding the Pine Brook Sewer Co! and what about the buy back agreement with Pine Brook.

Pres. McLaughlin replied the Marlboro Township Utilities Authority would protect our interests. If we feel we are not in the best position, Marlboro Township did not have to continue to be a member.

Mrs. Marie Muhler asked why only parts of Marlboro are included in the plan.

Pres. McLaughlin said because Marlboro Township is in several drainage basins. The Mayor said there were four regional sewerage authorities that Marlboro would have to be part of - Middletown, Bayshore, Middlesex and Manalapan.

A member of the public who did not give his name asked if Marlboro Village would be included in the plan.

5/27/71

Ordinance #10-71
AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY

WHEREAS, there are in and about the Western Monmouth area waters which are polluted and subject to pollution by sewerage and industrial and other wastes arising from causes within the territories of the municipalities and the other three municipalities hereinafter mentioned; and the Council of the Township of Marlboro has ascertained that there is imperative need to relieve such waters from pollution and thereby to reduce and ultimately abate the menace to the public health resulting from such pollution, and

WHEREAS, the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented) grants power to any two or more municipalities, the areas of which together comprises an integral body of territory, by means and through the agency of a sewerage authority, to acquire, construct, maintain, operate or improve works for the collection, treatment, purification or disposal of sewerage or other wastes, and the areas of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, together comprise such an integral body of territory, and

WHEREAS, the Council of the Township of Marlboro has decided and hereby determines that it is necessary and advisable and that it is in the best interests of the inhabitants of the Township of Marlboro that by joint or parallel action by or on behalf of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, each a municipal corporation of the State of New Jersey situated in the County of Monmouth and herein called "Municipalities", that there be created a sewerage authority pursuant to said Sewerage Authorities Law as a public body corporate and politic and an agency and instrumentality of said municipalities for the purposes of the relief of waters in or bordering upon the State from pollution arising from causes within the area of the Municipalities and the relief of waters in bordering or entering said area from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, and to further provide for a collective approach solving the sewerage and pollution problem of the area of said Municipalities; now, therefore,
BE IT ORDAINED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

SECTION 1. Pursuant to the provisions of paragraph (c) Section 4 of the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented); there is hereby created a public body corporate and politic under the name and style of The Western Monmouth Regional Sewerage Authority.

SECTION 2. The Western Monmouth Regional Sewerage Authority is and shall be an agency and instrumentality of the said four Municipalities created by parallel ordinances duly adopted by their governing bodies, and is a sewerage authority as contemplated and provided for by said Sewerage Authorities Law and shall have and exercise all of the powers and perform all of the duties provided for by said Sewerage Authorities Law and any other statutes heretofore or hereafter enacted and applicable thereto.

SECTION 3. The Western Monmouth Regional Sewerage Authority shall consist of eight members thereof, and two of such members shall be appointed by the governing body of each of said municipalities in accordance with the provisions of said Sewerage Authorities Law.

SECTION 4. The Western Monmouth Regional Sewerage Authority shall be limited in its powers to install, maintain and operate interceptor mains and one or more sewerage treatments for the purposes of collecting and treating the sewerage from sewer lines and mains installed, maintained, operated and controlled by the participating municipalities or their local sewer or utility authorities. The areas to be serviced by said Western Monmouth Regional Sewerage Authority includes all of that area as shown on the attached map designated "Map of the Western Monmouth Regional Sewerage Authority", and may further include those areas outside said map area but which are presently serviced by the Pinebrock Sewer Company and other sewer utilities within the Municipalities comprising the Western Monmouth Regional Sewerage Authority area.

SECTION 5. A copy of this ordinance duly certified by the Township Clerk shall forthwith be filed by said Township Clerk in the Office of the Secretary of State of the State of New Jersey pursuant to the provisions of the said Sewerage Authority Law.

SECTION 6. This ordinance shall take effect twenty days after publication thereof by title after its final passage, as provided by law, but shall be of no further force or effect after June 30, 1971, unless on or before said date, a parallel ordinance shall have been adopted by the governing body of each of the other municipalities.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on Thursday, May 13, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Highway 79, Marlboro Township, on Thursday, May 27, 1971, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(3330.56) 7550

Pres. McLaughlin replied yes.

Mr. George Ruzicka said appointments to the authority would have to be made and that it would be fitting and proper that at least one member of the Municipal Utilities Authority should be appointed, as this group is well versed on the subject.

Mr. Russell Marshall questioned the cost of sewers and how much it would mean in increased taxes.

Pres. McLaughlin replied that at this point in time the most important thing is the direction that is being taken, particularly in the direction of regionalization. He said in the long run this is the most economical to the taxpayer.

Mr. James Denton said that whoever is appointed should bear in mind the problem of industrial waste disposal, and said he would like somebody to do homework on that when the time comes.

The Mayor said the area between the railroad and Route 79 is all covered in this zone so that it all fits into this area and will be very beneficial in the future.

As no one else wished to speak on the ordinance, motion to close the public hearing was offered by Councilman Herman, seconded by Councilman Williams and carried with Councilman Herman abstaining.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #120-71

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

Ordinance #10-71

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING
THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY

be and the same is hereby adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Grossman and carried on the

5/27/71

following roll call vote: Ayes: Councilmen Czerny, Grossman, Williams and McLaughlin. Abstain: Councilman Herman.

At this point in the meeting, a recess was called. The meeting was called back to order at 10:15 P.M.

UNFINISHED BUSINESS:

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #121-71

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

Ordinance #5-71 (Amended)

AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Wednesday, June 2, 1971 with the notice required by law and that the same be considered for final passage on Thursday, June 10, 1971 at 8 PM at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Williams and adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #122-71

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

Ordinance #11-71

AN ORDINANCE TO AMEND IN ITS ENTIRETY AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING RULES, REGULATIONS

This Is A Reprint of The Asbury Park Press

ORDINANCE #5-71 (Amended)

AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF.

BE IT ORDAINED by the Council of the Township of Marlboro, in the County of Monmouth:

SECTION 1. There is hereby established for the season of 1971 a Summer Youth Activities Program, which program shall begin June 28th, 1971, shall be conducted on Monday, Tuesday, Wednesday and Thursday evenings from at least 7 p.m. to 11 p.m. and shall continue up to and including August 6th, 1971. The program will be under the supervision of the Director of the program and his staff. Said Director and staff shall be jointly responsible to a representative body of recreation officers or members from all participating Townships with each municipality designating two representatives with total membership not to exceed six members.

SECTION 2. Activities in connection with said program shall include but shall not be limited to sports activities, arts and crafts, music, drama, tutoring, special events, guest speakers, films, trips, dances and a barbecue. Programs shall be indoor and outdoor and shall be conducted on the premises of the Marlboro Township High School, which is owned and operated by the Freehold Regional Board of Education.

SECTION 3. The Summer Youth Activities Program shall be open to all residents of the Townships of Marlboro, Manalapan, Colts Neck and Englishtown Borough who have reached their thirteenth birthday as of July 1st, 1971 and have not reached their nineteenth birthday by that date except that any student residing in the Townships of Marlboro, Manalapan, Colts Neck and the Borough of Englishtown who are enrolled to enter ninth, tenth, eleventh or twelfth grade in September, 1971 in any public, parochial or private high school or who graduated from any such school during 1971 shall also be eligible to participate in said program. Said program shall be limited, however, to the first 500 applicants who enroll for said program.

SECTION 4. The Mayor of the Township of Marlboro is hereby authorized to enter into an agreement with the Freehold Regional Board of Education for the use of Marlboro Township High School in connection with the Summer Youth Activities program, which agreement shall provide for the use of the said premises for the periods above prescribed and shall be without expense to the Township of Marlboro or the other participating Townships or the Borough with all utilities to be furnished and paid for by the said Board of Education. All necessary liability and accident insurance shall be provided at the expense of the Township of Marlboro.

SECTION 5. The Mayor of the Township of Marlboro is hereby authorized to employ for the conduct of a Summer Youth Activities Program, a director, an assistant director, a secretary and up to ten teachers, who shall be paid

bi-weekly at the following rates:

Director	\$144.00 per week
Assistant Director	128.00 per week
Secretary	20.00 per week
Teacher	112.00 per week

Said employees shall devote whatever time is necessary for the conduct of the Summer Youth Activities Program and they shall be placed in the classified Civil Service as temporary employees.

SECTION 6. The Summer Youth Activities Program shall be operated at a cost not to exceed \$15,000.00. Of this amount, salaries shall not exceed \$10,000.00, and other expenses shall not exceed \$5,000.00. The Director is hereby authorized to purchase necessary equipment for the conduct of the Summer Youth Activities Program up to the above limit and to promulgate additional rules and regulations not inconsistent with the provisions of this ordinance.

SECTION 7. The Mayor of the Township of Marlboro is hereby authorized to enter into an agreement with the Township of Manalapan and the Township of Colts Neck whereby said Townships shall each pay the Township of Marlboro the sum of \$5,000.00 in order to reimburse the Township of Marlboro for the expenses of anticipated participants from those Townships in the Summer Youth Activities Program. In the event the Township of Marlboro is unable to enter into such an agreement with any of the above municipalities, residents from that municipality or municipalities shall be excluded from said program. In the event the Freehold Regional Board of Education prohibits said exclusion, residents from said municipality or municipalities shall be charged a fee for participation. Said fee shall be determined by the Marlboro Township Council and shall be based upon the estimated per capita cost of said program. Said fee shall be determined in advance of the start of said program, shall be payable upon registration, and shall be uniform as to all residents from nonparticipating municipalities.

SECTION 8. Should there not be appropriate enabling ordinances passed by the Townships of Manalapan, and Colts Neck and the Borough of Englishtown by the 21st day of June, 1971, that no money appropriated under this ordinance be spent until further authorization of the Council of the Township of Marlboro.

SECTION 9. This ordinance shall take effect twenty days after its final passage by Council and approval by the Mayor.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on May 27, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Route 79, Marlboro Twp. on June 10, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk \$60.16 59144

AND STANDARDS GOVERNING THE SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, PURSUANT TO THE AUTHORITY SET FORTH IN CHAPTER 433 OF THE LAWS OF 1953, AND AMENDMENTS AND SUPPLEMENTS THERETO; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING BOARD AND THE GOVERNING BODY, IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS AND STANDARDS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF", ADOPTED JULY 9, 1959, AND THEREAFTER AMENDED

be introduced and passed on first reading, and that the same be published in the Asbury Park Press on Wednesday, June 2, 1971 with the notice required by law and that the same be considered for final passage on Thursday, June 10, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #123-71

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

Ordinance #12-71

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LANDS AND THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$490,000 FOR SUCH PURPOSES AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Friday, June 4, 1971 with the notice required by law and that the same be considered for final passage on Thursday, June 24, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Williams and adopted on a roll call vote with Councilman Herman abstaining.

Councilman Grossman noted that in addition to Lloyd Road there were other roads in the township which are almost equally
5/27/71

Ordinance #12-71
AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LANDS AND THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$490,000 FOR SUCH PURPOSES AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

Section 1. That pursuant to the applicable statutes of the State of New Jersey there is hereby authorized the construction or acquisition of the following described general improvements in the Township of Marlboro:

IMPROVEMENT — ESTIMATED MAXIMUM AMOUNT TO BE RAISED FROM ALL SOURCES FOR EACH PURPOSE

- A. The reconstruction of Lloyd Road from State Highway Route 79 to the Matawan Township line, a distance of .585 miles including but not limited to a bridge, a 36 foot wide pavement, culverts, curbing and water and sanitary, sewer mains. \$424,000.00
- B. The acquisition by purchase or condemnation of an easement or a fee simple in a portion of premises known as Block 3, Lot 1 on the Official Tax Map of the Township of Marlboro consisting of a triangular shaped parcel measuring approximately 1,300 square feet more or less. \$1,000.00
- C. The acquisition by purchase or condemnation of an entire parcel of land known as Block 26, Lot 23, on the Official Tax Map of the Township of Marlboro consisting of approximately 13.96 acres of vacant land. \$65,000.00

together with, in each case, all other purposes necessary, appurtenant or incidental thereto, and, substantially in accordance with the plans and specifications therefor prepared by Leon S. Avakian, Inc., Township Engineer, and filed with and approved by this Council.

Section 2. It is hereby found, determined and declared by this Council as follows:

- A. That an appropriation was contained in a budget or budgets of the Township heretofore adopted under the caption "Down Payment Fund" or "Capital Improvement Fund", that there is now available in said appropriation the sum of \$25,000 which said sum is hereby appropriated as a down payment for the purposes described in Section 1 hereof.
- B. That the estimated maximum amount of money to be raised from all sources for the purposes stated in Section 1 hereof is \$490,000.
- C. That the estimated amount of the cost of said improvement to be contributed by the State of New Jersey is \$105,000.
- D. That the estimated amount of the cost of said improvement to be contributed by the County of Monmouth is \$100,000.
- E. That the estimated amount of the cost of said improvement to be contributed by the Township of Marlboro is \$220,000.
- F. That the Township of Marlboro will make applications to the United States of America under the Federal Open Spaces program and to the State of New Jersey under the State Green Acres program to finance part of project described herein in Subsection 1(C) and the estimated total aggregate amount to be contributed by the State of New Jersey and the United States of America is \$65,000.

Section 3. That the sum of \$490,000, including said down payment, and the sums to be received from the United States of America, the State of New Jersey and the County of Monmouth be and the same is hereby appropriated for the purposes stated in Section 1 hereof.

Section 4. That there is hereby authorized the issuance of negotiable serial bonds of the Township of Marlboro, in the County of Monmouth, New Jersey, in an aggregate principal amount of not exceeding Four Hundred Sixty Five Thousand Dollars (\$465,000) for the purpose of financing the cost of the improvements and properties described in Section 1 hereof, exclusive of said down payment, pursuant to the Local Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey. The form, maturities, rate or rates of

interest, method of sale and other details of said bonds shall be determined by subsequent resolution adopted pursuant to law.

Section 5. That pending the issuance of the serial bonds authorized in Section 4 hereof there is hereby authorized the issuance of bond anticipation notes of the Township of Marlboro, in the County of Monmouth, New Jersey, in an aggregate principal amount of not exceeding Four Hundred Sixty Five Thousand Dollars (\$465,000) pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey. The form, maturities, rate or rates of interest, method of sale and other details of said notes shall be determined by subsequent resolution adopted pursuant to law.

Section 6. In the event the amounts to be contributed by the State of New Jersey and the County of Monmouth, as set forth in subsections 2 (C) and 2 (D) hereof or any amount contributed from the United States of America, and the State of New Jersey as set forth in subsection 2 (E) hereof, shall be received by the Township prior to the issuance of the bonds or notes authorized herein then the amount of such bonds or notes to be issued shall be reduced by the amounts so received. In the event the funds to be contributed are received by the Township after the issuance of the bonds or notes authorized in Sections 4 and 5 hereof, then such funds shall be applied to the payment of the bonds or notes so issued, and shall be used for no other purpose.

Section 7. It is hereby determined and declared by this Council as follows:

(A) That the average period of usefulness of the improvements or properties described in Section 1 hereof for which the obligations authorized in this ordinance are to be issued, within the limitations prescribed in the Local Bond Law, is at least 18 years.

(B) That the supplemental debt statement required by Section 40A:2-10 of the Revised Statutes has been duly made and filed in the office of the Municipal Clerk prior to the passage of this ordinance on first reading and a complete executed original thereof has been filed in the office of the Director of the Division of Local Finance of the State of New Jersey prior to passage of this ordinance on final reading and such debt statement shows that the gross debt of the Township as defined in Section 40A:2-43 of the Revised Statutes is increased by this ordinance by \$465,000 and that the issuance of the obligations authorized by this ordinance is permitted by an exception to the debt limitations contained in Section 40A:2-7 (d) of said Local Bond Law.

Section 8. That the amount of the pro- nance of the obligations authorized by this ordinance which may be expended for interest on such obligations, engineering, architectural and inspection costs and legal expenses, the cost of the issuance of the obligations authorized by this ordinance, including printing, advertisement of ordinance, resolutions and notices of sale, and legal expenses, in the manner provided in Section 40A:2-20 of the Revised Statutes, is not exceeding \$47,000.

Section 9. The full faith and credit of the Township of Marlboro, in the County of Monmouth, New Jersey, are hereby pledged for the payment of the principal of and interest on all of the bonds or notes issued pursuant to this ordinance, and the sums required for such payment shall in each year while any of said bonds or notes are outstanding be included in the annual budget and raised by tax without limitation as to rate or amount upon all the taxable property within said Township.

Section 10. This ordinance shall take effect twenty days after the first publication thereof after final passage pursuant to law.

(Ord. #12-71)

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on May 27, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Route 79, Marlboro Twp. on June 24, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN,
Clerk

(\$84.16)

59154

as hazardous. He read a letter from Mr. Hartnett dated May 18, 1971 as follows:

"Dear Mr. Grossman: I have your letter of May 7th regarding the dangerous intersection at the corner of Church Road and Halifax Drive. I visited the site with Messrs. Wheeler and Eckel. Admittedly, the high embankment and the trees create a very dangerous situation. To correct it would require acquisition or condemnation of properties owned by the Hankinson and Jurewicz families.

I think as a member of the Council, you should determine the feeling of the Council as to which course of action they wish to take."

Councilman Grossman then called for the following action and asked that it be numbered Resolution #123B-71:

RESOLUTION #123B-71

"BE IT RESOLVED that the Council of the Township of Marlboro request of the Township Engineer a report no later than one month or at the June 24, 1971 meeting as to his suggestions with reference to having a solution to the problems of the intersection of Church Road and Halifax Drive and that he submit to the Council his cost estimates and his suggestions as to plans to be completed to alleviate this situation."

Seconded by Councilman Williams.

Discussion: Councilman Grossman asked the Clerk to indicate to Mr. Avakian that we are speaking of that portion between Floyd Wyckoff Road and Halifax Drive. President McLaughlin requested that the Highway Safety Committee also report on this problem by June 24, 1971. The resolution was thereafter carried unanimously on a roll call vote.

The Clerk then read the following resolution, which was offered by Councilman Williams:

RESOLUTION #123A-71

"WHEREAS, on May 13, 1971 the Business Administrator received bids for the furnishing of high-test gasoline,

fuel oil and hydromatic fluid for the period from May 15, 1971 through May 1, 1972, and has recommended that the following contracts be awarded:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that a contract be awarded for the furnishing of high-test gasoline, fuel oil and hydromatic fluid in the total amount of \$4,330.75 at the firm prices bid in accordance with specifications for the township needs for the period from May 15, 1971 through May 1, 1972 to Sprague's Oil Service, Inc., 24 Little Street, Matawan, New Jersey, and that the Mayor and Clerk be authorized to execute a contract on behalf of the township."

Seconded by Councilman Czerny. Discussion: After a brief recess, the Mayor asked that the date of May 1, 1972 be amended to read December 31, 1971. Motion was so moved by Councilman Grossman, seconded by Councilman Williams and carried unanimously on a roll call vote. The resolution as amended was thereafter adopted unanimously on a roll call vote.

NEW BUSINESS:

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #124-71

"WHEREAS, the Township of Marlboro, in the County of Monmouth, desires to provide funds in the amount of \$465,000.00 to finance the cost of reconstruction of Lloyd Road from State Highway Route 79 to the Township line, the acquisition of necessary rights of way and the acquisition of the 13.96 acre parcel of land known as Block 26, Lot 23 (hereinafter called "purpose") a purpose for which obligations are permitted by the Local Bond Law, and as shown by the supplemental debt statement filed in connection with the ordinance hereinafter described, the Township of Marlboro has exhausted its powers to issue obligations within the debt limitations prescribed by said law, and

WHEREAS, pursuant to N.J.S.40A:2-7(a), (c), (d), (e), obligations to finance said purpose may be issued, with the

consent of the Local Finance Board in the Division of Local Finance, in the Department of Community Affairs, which consent is to be indorsed upon a certified copy as passed on first reading of the ordinance authorizing such obligations, if said Board is satisfied, and makes the findings required, and

WHEREAS, the Council of the Township of Marlboro has passed on first reading an ordinance entitled: "An Ordinance Authorizing the Acquisition of Certain Lands and the Construction of Various Road Improvements in and for the Township of Marlboro, in the County of Monmouth, New Jersey, Appropriating \$490,000 for Such Purposes and Authorizing the Issuance of \$465,000 Bonds or Notes to Finance Part of the Cost Thereof," which proposed ordinance authorizes obligations for said purpose,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth as follows:

SECTION 1. The Council of the Township of Marlboro believing that said proposed ordinance authorizes obligations for a purpose for which obligations are permitted by the Local Bond Law and that the Township's application to the Local Finance Board for its consent shows:

- (a) it is in the public interest to accomplish such purpose,
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township of Marlboro,
- (c) the amounts to be expended for each such purpose or improvements are not unreasonable or exorbitant,
- (d) the issuance of the obligations in the amount of \$465,000.00 pursuant to such ordinance will not materially impair the credit of the Township of Marlboro,
- (e) the issuance of the obligations in the amount of \$465,000.00 pursuant to such ordinance will not substantially reduce the Township's ability to pay punctually the principal and interest on its debts,
- (f) the issuance of the obligations in the amount of \$465,000.00 will not substantially reduce its ability to supply other essential public improvements and services.

The application to the Local Finance Board is hereby approved by the Council of the Township of Marlboro, and the Council President of the Township of Marlboro is hereby authorized to execute such application.

SECTION 2. The Township Clerk be and she is hereby directed to prepare and file a certified copy of said proposed ordinance as passed on first reading with the Local Finance Board as a part of such application.

SECTION 3. The Local Finance Board is hereby respectfully requested to consider such application and to record by resolution its findings as provided in said subsection of the Local Bond Law and to endorse its consent upon a certified copy of said ordinance as passed on first reading."

Seconded by Councilman Williams. During the brief discussion that followed, the Mayor asked the Clerk to advise Mr. Rotheim of the date of the hearing before the Local Finance Board as Mr. Rotheim wishes to be present at the hearing. The resolution was adopted on the following roll call vote:
Ayes: Councilmen Czerny, Grossman, Williams and McLaughlin.
Abstain: Councilman Herman.

(NOTE: Resolution #125-71 was not offered)

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #126-71

"WHEREAS, Victor H. Decker applied to the Marlboro Township Planning Board (PB-71-47) for approval of a minor subdivision affecting Lot 32, Block 62, Union Hill Road, and

WHEREAS, the Marlboro Township Planning Board on May 6, 1971 granted approval to Victor Decker for said minor subdivision as set forth on a map entitled "Sketch Plat for Victor H. & Gloria M. Decker, Marlboro Township- Monmouth County - N.J. Scale 1" = 30' April 23, 1971",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the aforesaid minor subdivision be and the same is hereby approved."

Seconded by Councilman Czerny, and adopted on a roll call vote, with Councilman Herman abstaining.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #127-71

"BE IT RESOLVED that an Industrial Park Study Team be created by the Council of the Township of Marlboro to make recommendations to the Council on the establishment of an industrial park within the Township of Marlboro, which recommendations shall include the following:

- 1....which locations would be most suitable for the industrial park.
- 2....size of sites, lot sizes, specifications.
- 3....types of industry.
- 4....should the industrial park be owned by the township, privately owned, or a combination of both.
- 5....how should the park be managed? by the township, privately or a combination of both.
- 6....methods of funding the project.
- 7....what financial assistance is available through State and Federal aid.
- 8....methods of advertising.
- 9....should an outside consulting firm be hired to assist or to conduct a study, etc.

BE IT FURTHER RESOLVED that the following persons be appointed to serve on the Industrial Park Study Team: Mr. Paul Alterman, Mr. Lawrence D. Mazur, Miss Edna Netter, Mr. Thomas Antisell, Mr. Barry D. Wolk, Mr. Martin F. Payson and Mr. Arthur Goldzweig, and that Mr. Robert Chalnack serve in the capacity of advisor to the committee.

BE IT FURTHER RESOLVED that the Industrial Park Study Team present their report to Council on or before September 1, 1971."

Seconded by Councilman Herman. Discussion: Industrial Commission Chairman Denton asked for a copy of the Council Resolution and said the Industrial Commission would also submit their report to Council before September 1, 1971. The resolution was thereafter adopted unanimously on a roll call vote.

Following the adoption of Resolution #127-71, the Mayor read his letter to Council dated May 27th, 1971 regarding the railroad abandonment, and asked that Council adopt a resolution objecting to same. Following a brief discussion regarding the importance of the railroad to our industrial development, the Township Attorney was authorized by Council to prepare the resolution.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #128-71

"BE IT RESOLVED by the Council of the Township of Marlboro that raffles licenses be issued in accordance with the following applications:

- RA:130 - Marlboro Fire Co. Inc. 6/22 to 6/26/71
Wheels & Games
- RA:131- Marlboro Fire Co. Inc. 6/22 to 6/26/71
50/50
- RA:132 - Morganville Volunteer Fire Co. #1
7/5/71 to 7/10/71 - Wheels & Games
- RA:133 - Morganville Volunteer Fire Co. #1
7/5/71 to 7/10/71 - 50/50"

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Williams offered the bill paying resolution, Resolution #129-71, copy of which is attached hereto and made a part hereof. The resolution totaling \$24,619.57 was seconded by Councilman Czerny and adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #130-71

"WHEREAS, the Council has authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers,

RESOLUTION #129-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers: NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Greather Freehold Area Hospital Inc.	Aid to hospital		\$10,000.00
W. Lawrence Krusen	Bd. of Adjustment		1,295.00
Jersey Central Power	3599 Pub. Bdg. & Gr.	18.65	
	3599 Pub. Bdg. & Gr.	108.95	
	3608 Pub. Bdg. & Gr.	15.42	
	3608 Pub. Bdg. & Gr.	48.56	191.58
Asbury Park Press	Admin. Exec OE	4137.08	
	Admin. Exec OE	1548.79	
	Bond Ord. #13-70	37.76	5,723.63
The Daily Register	Admin. Exec. OE	31.20	
	Admin. Exec. OE	21.00	
	Elections	75.50	
	Planning Board	3.25	130.95
Paul Mark Printing	Admin. Exec. OE		18.50
Rutgers State Univ.	Admin. Exec. OE		46.00
Paul L. Linnett	Admin. Exec. OE		50.09
Murray's Office Supply	Admin. Exec. OE		2.07
Kepwel Spring Water	Pub. Bldg. & Gr. OE		23.25
Sprague's Oil Service	Pub. Bldg. & Gr. OE	62.85	
	Police OE	776.55	
	Police OE	12.47	851.87
Scrub A Dub Car Was	Police OE		22.50
Walter Heath Co.	Police OE		486.00
V. E. Ralph & Son	Police OE	48.25	
	Police OE	22.05	70.30

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Hugh G. Boyd Assoc.	Police		\$ 803.00
A.S. Gilbert Inc	St & Rds. OE		18.32
Matty's Auto Parts Inc.	St & Rds. CE	5.18	
	St. & Rds. CE	10.36	
	St. & Rds. CE	7.50	23.04
Shore Tractor Co.	St. & Rds. OE		660.00
General GMC Ssles	St. & Rds. OE		26.63
Manzo Contracting	St. & Rds. OE	922.63	
	St. & Rds. OE	967.98	
	St. & Rds. OE	667.00	
	St. & Rds. OE	751.38	
	St. & Rds. OE	246.00	3554.99
Matawan Lumber Co.	St. & Rds. OE		1.80
Sattellite Products	St. & Rds. OE		86.13
Tom's Ford Inc.	St. & Rds. OE		14.49
Mr. Alfred Storer	St. & Rds. OE		295.00
Magnetic Dictation	Municipal Court OE		18.00
Usher Publishing Co.	Municipal Court OE		187.95
Freehold Transcript	Board of Adjustment OE		18.48
Total			\$24,619.57

Offered by: *Williams* Ayes: 5

Seconded by: *Czerny* Nayes: 0

The above resolution was adopted this 27th day of May, 1971

Mildred F. Ackerman

MILDRED F. ACKERMAN
CLERK

John P. Laughlin
COUNCIL PRESIDENT

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
James R. Minogue	Bond Ord.#13-70	\$ 300.00
James R. Minogue	March services	1,500.00
James R. Minogue	April services	1,600.00
James R. Minogue	Legal services from 6/23/70 to 5/3/71 re acquisition of recreational sites	700.00
	Legal O.E. 1971	<u>700.00</u>
		\$4,100.00"

Seconded by Councilman Czerny and adopted unanimously on a roll call vote.

The Clerk then read the following resolution, which was offered by Councilman Grossman:

RESOLUTION #131-71

"WHEREAS, the Central Railroad Company of New Jersey has received permission to petition the Interstate Commerce Commission for approval to abandon its freight line between Matawan and Freehold; and

WHEREAS, it is vital to the industrial development of Marlboro Township that railroad freight facilities be available to potential industrial facilities which will require such freight services for the proper operation of their businesses; and

WHEREAS, the Township of Marlboro desires to attract industrial ratables in order to stabilize the Township's tax burden; now therefore

BE IT RESOLVED by the Council of the Township of Marlboro that this governing body go on record as expressing its strong opposition to the abandonment of the railroad freight line between Matawan and Freehold, N.J. which passes through the Township by the Central Railroad Co. of New Jersey, and that a certified copy of this resolution be forwarded by the Township Clerk to the Secretary of the Interstate Commerce Commission."

Seconded by Councilman Herman and adopted unanimously on a roll

5/27/71

call vote.

ACTION ON MINUTES:

Councilman Czerny moved that the minutes of the regular Council meeting of January 14, 1971 be approved. Motion seconded by Councilman Grossman and carried on a roll call vote with Councilmen Herman and McLaughlin abstaining.

Councilman Grossman moved that the minutes of the continued Council meeting of January 21, 1971 be approved. Motion seconded by Councilman Czerny and carried with Councilmen Herman and Williams abstaining.

Councilman Williams offered a motion that the minutes of the regular Council meeting of January 28th, 1971 be approved. Seconded by Councilman Czerny and carried on a roll call vote with Councilman Herman and Williams abstaining.

Councilman Grossman moved that the minutes of the continued Council meeting of January 29, 1971 be approved. Seconded by Councilman Czerny and carried with Councilman Herman abstaining.

Councilman Czerny moved that the minutes of the special Council meeting of February 3, 1971 be approved. Seconded by Councilman Grossman and carried on a roll call vote with Councilman Herman abstaining.

Councilman Czerny moved that the minutes of the continued meeting of February 5, 1971 be approved. Seconded by Councilman Grossman and carried with Councilmen Herman and McLaughlin abstaining.

Councilman Grossman moved that the minutes of the continued Council meeting of February 11, 1971 be approved. Seconded by Councilman Czerny and carried on a roll call vote with Councilman Herman abstaining.

Councilman Williams moved that the minutes of the regular meeting of February 25, 1971 be approved. Seconded by Councilman Grossman and carried on the following roll call vote; Ayes: Councilman Williams. Abstain: Councilmen Czerny, Grossman, McLaughlin and Herman.

Councilman Grossman moved that the minutes of the special meeting of February 27, 1971 be approved. Seconded by
5/27/71

0260

Councilman Czerny, and carried with Councilmen Herman and Williams abstaining.

Councilman Grossman moved that the minutes of the regular Council meeting of March 11, 1971 be approved. Seconded by Councilman Czerny and carried on a roll call vote with Councilman Herman abstaining.

MAYOR'S REPORT:

The Mayor distributed copies of the proposed Capital Budget prepared by Mr. Hartnett and Mr. Eisner to the Councilmen.

Issued a proclamation proclaiming the week of June 5th Cerebral Palsy Week. The Mayor spoke of the honor the United Cerebral Palsy Women's Auxiliary had received during the recent convention in Denver. He said he had given the women permission to hang a banner on Route 9 on June 5.

Said he had received a communication under date of May 15th from Youth Incentive Inc. which is interested in field trips in Marlboro Township.

Due to the late hour, he skipped the Road Dept. report but announced that Mr. Hartnett had ordered a street sweeper for \$18,000 and that delivery was expected by June 15th.

Announced that the town would shortly lose the services of Ptl. Cysak and that he would be replaced.

Concluded his report by stating that three ordinances are needed: The regulation of shrubs, hedges, etc. by roadsides, the Shade Tree Commission and the Alternate Members of the Planning Board.

At 11:50 P.M. the Chair opened the meeting to the public. Following the public session, motion to adjourn was moved by Pres. McLaughlin. Seconded by Councilman Herman and carried unanimously on a roll call vote.

The meeting adjourned at 12:40 P.M.

John J. McLaughlin
JOHN J. McLAUGHLIN, Council Pres.

Mildred F. Ackerman
MILDRED F. ACKERMAN, Clerk

Minutes approved: 10/18/71
5/27/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF JUNE 10, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President John J. McLaughlin at 8:07 P.M. on Thursday evening June 10, 1971 at Central School. Following the Pledge of Allegiance to our Flag the Clerk called the roll.

ROLL CALL: Present: Councilmen Czerny, Grossman, Herman and McLaughlin, (Councilman Williams arrived at 8:12 P.M.)

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue and Clerk Mildred F. Ackerman.

Council President McLaughlin reviewed the agenda and introduced the public officials sitting at the Council table, as well as Mr. Bernard Blum, associated with Community Consultants Corp., who assisted in the preparation of the subdivision ordinance.

PUBLIC HEARING: Ordinance #5-71 (Amended): AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF.

The Chair opened the meeting for the public hearing and introduced Mr. Irv Kotkin, the Director of the program in 1970, to the public.

Reprints of the ordinance were available to the public.

Mr. Martin Powers, Halifax Drive asked why Friday night was not included in the program, for a clarification of the change in salaries and the cost of the program. He also asked if Manalapan or Colts Neck passed their enabling ordinances. Mr. Kotkin and President McLaughlin answered his questions.

Mr. Neil Burkholz, 3 Bruce Road asked if the rate schedule was changed. President McLaughlin said it was changed to include the 4th day of the program.

There being no further comments from the public,

6/10/71

This Is A Reprint of The Asbury Park Press

ORDINANCE #5-71 (Amended)

AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF.

BE IT ORDAINED by the Council of the Township of Marlboro, in the County of Monmouth:

SECTION 1. There is hereby established for the season of 1971 a Summer Youth Activities Program, which program shall begin June 28th, 1971 shall be conducted on Monday, Tuesday, Wednesday and Thursday evenings from at least 7 p.m. to 11 p.m. and shall continue up to and including August 6th, 1971. The program will be under the supervision of the Director of the program and his staff. Said Director and staff shall be jointly responsible to a representative body of recreation officers or members from all participating Townships with each municipality designating two representatives with total membership not to exceed six members.

SECTION 2. Activities in connection with said program shall include but shall not be limited to sports activities, arts and crafts, music, drama, tutoring, special events, guest speakers, films, trips, dances and a barbecue. Programs shall be indoor and outdoor and shall be conducted on the premises of the Marlboro Township High School, which is owned and operated by the Freehold Regional Board of Education.

SECTION 3. The Summer Youth Activities Program shall be open to all residents of the Townships of Marlboro, Manalapan, Colts Neck and Englishtown Borough who have reached their thirteenth birthday as of July 1st, 1971 and have not reached their nineteenth birthday by that date except that any student residing in the Townships of Marlboro, Manalapan, Colts Neck and the Borough of Englishtown who are enrolled to enter ninth, tenth, eleventh or twelfth grade in September, 1971 in any public, parochial or private high school or who graduated from any such school during 1971 shall also be eligible to participate in said program. Said program shall be limited, however, to the first 500 applicants who enroll for said program.

SECTION 4. The Mayor of the Township of Marlboro is hereby authorized to enter into an agreement with the Freehold Regional Board of Education for the use of Marlboro Township High School in connection with the Summer Youth Activities program, which agreement shall provide for the use of the said premises for the periods above prescribed and shall be without expense to the Township of Marlboro or the other participating Townships or the Borough with all utilities to be furnished and paid for by the said Board of Education. All necessary liability and accident insurance shall be provided at the expense of the Township of Marlboro.

SECTION 5. The Mayor of the Township of Marlboro is hereby authorized to employ for the conduct of a Summer Youth Activities Program, a director, an assistant director, a secretary and up to ten teachers, who shall be paid

bi-weekly at the following rates:

Director	\$144.00 per week
Assistant Director	128.00 per week
Secretary	20.00 per week
Teacher	112.00 per week

Said employees shall devote whatever time is necessary for the conduct of the Summer Youth Activities Program and they shall be placed in the classified Civil Service as temporary employees.

SECTION 6. The Summer Youth Activities Program shall be operated at a cost not to exceed \$15,000.00. Of this amount, salaries shall not exceed \$10,000.00, and other expenses shall not exceed \$5,000.00. The Director is hereby authorized to purchase necessary equipment for the conduct of the Summer Youth Activities Program up to the above limit and to promulgate additional rules and regulations not inconsistent with the provisions of this ordinance.

SECTION 7. The Mayor of the Township of Marlboro is hereby authorized to enter into an agreement with the Township of Manalapan and the Township of Colts Neck whereby said Townships shall each pay the Township of Marlboro the sum of \$5,000.00 in order to reimburse the Township of Marlboro for the expenses of anticipated participants from those Townships in the Summer Youth Activities Program. In the event the Township of Marlboro is unable to enter into such an agreement with any of the above municipalities, residents from that municipality or municipalities shall be excluded from said program. In the event the Freehold Regional Board of Education prohibits said exclusion, residents from said municipality or municipalities shall be charged a fee for participation. Said fee shall be determined by the Marlboro Township Council and shall be based upon the estimated per capita cost of said program. Said fee shall be determined in advance of the start of said program, shall be payable upon registration, and shall be uniform as to all residents from nonparticipating municipalities.

SECTION 8. Should there not be appropriate enabling ordinances passed by the Townships of Manalapan, and Colts Neck and the Borough of Englishtown by the 21st day of June, 1971, that no money appropriated under this ordinance be spent until further authorization of the Council of the Township of Marlboro.

SECTION 9. This ordinance shall take effect twenty days after its final passage by Council and approval by the Mayor.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on May 27, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Route 79, Marlboro Twp. on June 10, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
560.16 59144

Councilman Herman moved to close the public hearing. Seconded by Councilman Grossman and carried unanimously on a roll call vote.

Councilman Herman offered Resolution #132-71 and urged its adoption:

RESOLUTION #132-71

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

Ordinance #5-71 (Amended)

AN ORDINANCE ESTABLISHING A SUMMER YOUTH ACTIVITIES PROGRAM IN THE TOWNSHIP OF MARLBORO AUTHORIZING THE APPOINTMENT OF PERSONNEL AND THE PURCHASE OF EQUIPMENT AND ESTABLISHING GUIDELINES FOR THE CONDUCT THEREOF

be and the same is hereby adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Czerny.

DISCUSSION: The Clerk was instructed to notify at once the other Townships involved with the request they adopt similar ordinances and that our ordinance only applies if they take similar action.

President McLaughlin moved that because of the time circumstance involved the resolution be amended to adopt the ordinance as an emergency. Motion seconded by Councilman Grossman and carried unanimously on a roll call vote. The amended resolution was thereafter adopted unanimously on a roll call vote.

The Mayor signed his approval to the ordinance.

PUBLIC HEARING: Ordinance #11-71 (The Land Subdivision Ordinance)
AN ORDINANCE TO AMEND IN ITS ENTIRETY AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH PURSUANT TO THE AUTHORITY SET FORTH IN CHAPTER 433 OF THE LAWS OF 1953, AND AMENDMENTS AND SUPPLEMENTS THERETO: SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING BOARD AND THE GOVERNING BODY, IN APPLYING RULES AND REGULATIONS

6/10/71

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AND STANDARDS AND PROVIDING PENALTIES FOR
THE VIOLATION THEREOF", adopted July 9,
1959, and thereafter amended"

Reprints of the Ordinance were available to the Public.

Mr. Martin Powers, 34 Halifax Drive, Morganville asked for a brief resume of Mr. Bernard Blum and said he questioned the ability of Community Consultants to produce a document that the town should be bound by in the future. He asked when Council approved the resolution to come up with this ordinance, how much it cost and if an engineer hired by the Township could have prepared this ordinance.

Mr. Blum briefly explained the ordinance and how it was formulated.

Mr. Edward Adams, 14 Emerson Drive, Morganville asked what part the Planning Board plays in this ordinance. He questioned Sections 806.1 and 803 and if it was poor practice to have a master plan at odds with the Zoning Ordinance. He said the placing of public parks and recreation sites may be incompatible with the Subdivision Ordinance.

Mr. Howard Klau, 10 Hastings Rd., Marlboro questioned Sections 504.39 and 503.1. He said in his experience minor subdivisions are approved by only the Planning Board and did not go to Council.

Mrs. Leonard Gross, Lindsay Drive, Morganville objected to control over the Planning Board by the Council and spoke in favor of having a strong Planning Board.

Mr. Joseph Brodniak, Union Hill Rd. said he was in favor of the power remaining in the hands of elected rather than appointed officials.

Mr. Robert French, Jacata Road, Marlboro asked if the Faulkner Act agreed with a strong or weak Planning Board and asked why Council employed the Kehayas firm (Community Consultants) to draft the ordinance as they had been somewhat controversial in the past.

Mr. Richard Harris, 33 Regina Rd., Morganville objected to the ordinance as being too time consuming before ^{final} approvals can be granted. He said in Holmdel a major subdivision went through in two weeks.

Mr. Blum explained the intent of the ordinance regarding

the various stages of approvals.

The Mayor said the sketch plat requirements would increase engineering costs for a potential developer and would inhibit the industrial developer and everything else.

Mr. Spencer Halper, 11 Sudbury Rd., Morganville asked if the upgrading of the sketch plat stage would increase our engineering costs. He asked Councilman Herman if he was in favor of the town paying additional engineering costs. Councilman Herman replied he would be willing to pay a reasonable additional cost for additional services and protection. Mr. Halper said he was concerned about additional fees and questioned if this ordinance would hamper the growth of the community. He asked for a clarification of minor and major subdivisions. Mr. Blum replied to his questions.

Mr. Austin Ludlow, 13 Concord Road, Marlboro expressed concern about the length of time required to process applications.

Mr. Martin Rotheim, 51 Millay Road, Morganville expressed concern about our tax rate and said we should accelerate the time to bring in industry.

Mr. Leonard Gross asked Council President McLaughlin if he was in favor of sketch plat recommendations as stated in this ordinance, that the sketch plat can be turned down by the Planning Board and the developer or builder would go through a luxurious expense in the beginning only to be turned down.

President McLaughlin said if the work was done properly in the early stages it would actually speed the application along and that an application will move only as fast as the applicant wants it to move. He said if all the members of the Planning Board work with the applicant to get the ratable in, then the time span will not be that critical.

Mr. Edward Adams objected to section 503.1.8 and said it would prevent people from making a minor subdivision.

Mr. Neil Burkholz, 3 Bruce Road, Morganville said it seems to him Council is more interested in keeping out the undesirable than in bringing in desirable ratables.

Mr. Richard Harris continued to object to the length of time required for approvals.

Mr. Austin Ludlow said an application for a good ratable could not be speeded up under this ordinance.

Mr. Leonard Schneider, 5 Amherst Road, Marlboro said the town should put its best foot forward to get in ratables.

Mr. George Ruzicka, 1 Wendy Lane, Marlboro said this ordinance is not relevant to an industrial developer who would consider the tax rate before making up his mind to locate in a certain town. He said the object of the subdivision ordinance should be to keep a mass developer from hurting us as has been done in the past. He did not agree that this ordinance would inhibit an industrial developer.

Mr. Richard Kaplan, Halifax Drive, Morganville said the Mayor was in favor of a crash program to bring in industrial ratables and asked Councilman Herman and Council President McLaughlin for their opinions. Councilman Herman replied there was no question as to the need for industrial ratables and was in favor of a program to bring in desirable ratables. President McLaughlin said he would like to see the program laid out before rushing headlong into it.

Mr. Kaplan also questioned the procedure and time span necessary when a variance is needed for an industrial subdivision approval.

The Chair declared a recess at 10:35 P.M. The meeting was called back to order at 10:55 P.M. and President McLaughlin said because of the late hour he would entertain a motion that the public hearing be continued until Thursday evening, June 17th at 8 P.M. Motion was so moved by Councilman Herman, seconded by Councilman Czerny and carried unanimously.

UNFINISHED BUSINESS:

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #134-71

"BE IT RESOLVED by the Council of the Township of Marlboro that:

1. That the plans and specifications for the Reconstruction of Lloyd Road in the Township of Marlboro beginning at Station 0 + 0 at Route 79 and ending at Station 31 + 0 at the Marlboro Township line be and the same are hereby approved.

2. That the said engineer be and is hereby directed to present the said drawings and specifications to the Commissioner of Transportation for his approval.

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3. That immediately upon said approval and not later than thirty (30) days after the date thereof the clerk of this body be and hereby is directed to advertise for bids for the Project at least seventeen (17) days before receipt of bids in the Asbury Park Press.

4. That said advertisement shall read as follows:
"Notice is hereby given that sealed bids will be received by The Marlboro Township Business Administrator for the Reconstruction of Lloyd Road in the Township of Marlboro in the County of Monmouth. The major construction items, units and quantities are: 13,500 s.y. Bituminous Stabilized Base Course, 5" Thick; 13,500 s.y. Pavement Type FABC-1, 2" Thick; 331 c.y. Class B. Concrete in Structure; 55,200 lb. Reinforcement Steel in Structures; 1,095 l.f. 30" R.C. Pipe; 6,202 l.f. Concrete Curb, opened and read in public at the Municipal Building at 10 AM, Local Prevailing Time. Drawings, specifications and forms of bids, contracts and bond for the proposed work, prepared by Leon S. Avakian, Inc. Engineer, and approved by the Commissioner of Transportation have been filed in the office of the said engineer at 500 Deal Lake Drive, Asbury Park, N.J. and of said Commissioner of Transportation, Trenton, N.J. and the Division of Local Government Aid District Office located at 1 Court House Square, Freehold, N.J. and may be inspected by prospective bidders during business hours. Bidders will be furnished with a copy of the specifications and blue prints of the drawings by the engineer on proper notice and payments of cost of preparation. Bids must be made on standard proposal forms in the manner designated therein and required by the specifications, must be enclosed in sealed envelopes, bearing the name and address of bidder and name of the road on outside addressed to Business Administrator, Township of Marlboro, and must be accompanied by a Non-Collusion affidavit and a certified check for not less than ten (10) per cent of the amount bid, provided said check need not be more than \$20,000.00 nor shall not be less than \$500.00 and be delivered at the place on or before the hour named above. The standard proposal form and the Non-Collusion Affidavit are attached to the supplementary specifications, copies of which will be furnished on application to engineer."

5. That the said clerk be and hereby is empowered and directed to insert in the space for dates such convenient hour and day as will cause the opening of bids to take place not less than seventeen (17) days after the date of the first publication of the advertisement, to notify each and every member of this body, in writing, that a meeting thereof will be held on the day at the hour named to receive all bids sent or delivered."

Seconded by Councilman Czerny and adopted on a roll call vote with Councilman Grossman abstaining.

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Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #135-71

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

Ordinance #13-71

AN ORDINANCE REQUIRING THE OWNER OR TENANT OF LANDS LYING WITHIN THE TOWNSHIP OF MARLBORO TO KEEP ALL BRUSH, HEDGES AND OTHER PLANT LIFE GROWING WITHIN 10 FEET OF ANY ROADWAY AND WITHIN 25 FEET OF THE INTERSECTION OF TWO ROADWAYS, CUT TO A HEIGHT OF NOT MORE THAN 2 1/2 FEET AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT.

be introduced and passed first reading and that the same be published in the Asbury Park Press on Wednesday, June 16, 1971 with the notice required by law and that the same be considered for final passage on Thursday, June 24, 1971 at 8 P.M. at Central School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Because of the late hour the Chair called for a motion that the remainder of the agenda with the exception of the report of the Mayor be continued to Thursday evening, June 17th, 1971. Motion so moved by Councilman Herman, seconded by Councilman Grossman and carried unanimously.

MAYOR'S REPORT: The Mayor reported regarding the spraying program for Gypsy Moths to take place on Friday, June 11, 1971 and he distributed copies of the Gypsy Moth brochure obtained from the Monmouth County Shade Tree Commission.

He asked Township Attorney Minogue for a written report regarding the status of Beacon Hill Road. He mentioned receipt of a letter dated June 4, 1971 from Mr. Neidlinger. Mr. Minogue said he has had meetings with the Sisters of the Good Shepherd and conferences with their attorney, deeds have been examined and said he would have a report. Mr. Minogue asked the Mayor for a copy of Mr. Neidlinger's letter.

PUBLIC NOTICE

ORDINANCE #13-71
AN ORDINANCE REQUIRING THE OWNER OR TENANT OF LANDS LYING WITHIN THE TOWNSHIP OF MARLBORO TO KEEP ALL BRUSH, HEDGES AND OTHER PLANT LIFE GROWING WITHIN 10 FEET OF ANY ROADWAY AND WITHIN 25 FEET OF THE INTERSECTION OF TWO ROADWAYS, CUT TO A HEIGHT OF NOT MORE THAN 2½ FEET AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT. BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. Every owner or tenant of lands lying within the Township of Marlboro shall keep all brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two roadways, cut to a height of not more than two and a half (2½) feet where it shall be necessary and expedient for the preservation of the public safety.

SECTION 2. The Police Department of the Township of Marlboro, shall from time to time report to the Director of the Division of Public Safety, the existence on any property within the Township any brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two roadways, which are or are likely to become traffic hazards and dangerous to the public safety.

SECTION 3. Upon receipt of any such report from the Police Department or from any other source, the Director of Public Safety shall inspect the area. If the Director of Public Safety determines that any such brush, hedges or other plant life is or is likely to become a traffic hazard and dangerous to the public safety, he shall cause to be served in the manner set forth in Section 5 herein, a written notice requiring the owner or tenant to keep all such brush, hedges and other plant life cut to a height of not more than two and one-half (2½) feet and all such limbs and foliage on any such trees trimmed to not less than ten (10) feet from the ground.

SECTION 4. In the event the owner or tenant neglect or refuse to cut or trim the same within said ten-day notice period, or within any other time herein specified, or as specified in said notice, the required trimming or cutting shall be done by the Township under the direction of the Director of Public Safety who shall keep an accurate record of the cost thereof and shall certify said cost to the Township Council. The Council shall examine the said cost and if found to be correct, shall, by resolution direct the Collector of Taxes to charge the said cost against the lands from which the same were removed, or in the event such cost be excessive to cause the reasonable cost thereof to be charged against said lands. Any amount so charged shall forthwith be and become a lien upon said lands and shall be added to and become a part of the taxes next to be assessed and levied upon such lands in the amount and as provided and authorized by New Jersey Revised Statutes 40:48-2.27 and any amendments thereof and supplements thereto.

SECTION 5. The notice herein required shall be served upon an owner or tenant residing in the Township in person or by leaving the same with a member of his family over the age of fourteen years; upon an owner or tenant not residing in the Township either by personal service or by mailing the same to him at his last known post office address certified mail, return receipt requested, or by service upon the occupant, manager, operator or agent of the owner in charge of the property. In the event the owner or tenant is unknown or service cannot, for any reason, be made, the notice shall be published at least once not less than thirty days before the proposed removal and destruction in a newspaper circulating in the Township.

SECTION 6. "Roadway" for the purpose of this Chapter shall be defined to mean that portion of any street, avenue, or highway lying between the curb lines thereof, or in the event that no curb line is established comprising the travelled portion thereof.

SECTION 7. Each and every owner or tenant who shall refuse or neglect to cut or trim the brush, hedges or other plant life designated in any notice herein provided for after the time specified in any such notice shall, in addition to the assessment procedure above provided, upon conviction, pay a fine of not more than One Hundred Dollars (\$100.00).

SECTION 8. This ordinance shall take effect twenty days after its final passage of Council and approval by the Mayor.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on June 10, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School, School Road West on July 3, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(551.84) 7700

Acknowledged receipt of copy of a letter from U.S. Homes to Township Engineer, Leon Avakian regarding turn-arounds on Halifax Road and asked for a report from Mr. Avakian.

Read Building Inspector's report for the month of May.

Noted meeting of Monmouth County Tax Assessors at the Shadowbrook to be held June 29, 1971, with Honorable Harry L. Sears as guest speaker.

Invited residents of the Township to the dedication of the Marlboro West School on Sunday at 1:30 P.M.

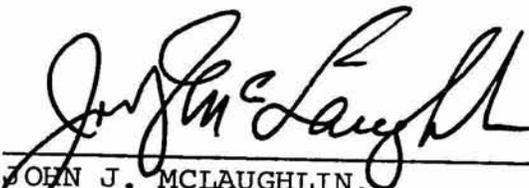
Read Welfare Department report for May and announced the appointment on June 1, 1971 of Greta Coleman as Welfare Director.

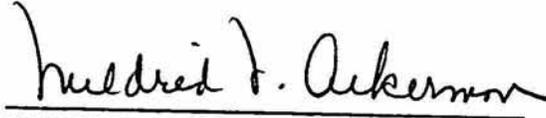
He said he would skip the Road Department report because of the late hour.

Regarding his request for a Shade Tree Commission, he asked Council to consider either the establishment of the Shade Tree Commission or the creation of a Department of Parks and Woodlands within the Administrative Code.

Following the completion of the Mayor's report, the Chair called for a motion to continue the meeting until June 17th, 1971 at 8 P.M. at Central School. So moved by Councilman Grossman, seconded by Councilman Herman and carried unanimously on a roll call vote.

The meeting adjourned at 11:35 P.M., to be continued to June 17th, 1971.


JOHN J. MCLAUGHLIN,
Council President


MILDRED F. ACKERMAN,
Clerk

Minutes approved: 10/18/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

CONTINUED MEETING OF JUNE 17, 1971
(continued from June 10th, 1971)

The continued meeting of the Council of the Township of Marlboro was called to order by Council President John J. McLaughlin at 8:07 P.M. on Thursday June 17, 1971 at Central School.

Following the salute to our flag the roll was called:

ROLL CALL: Present: Councilmen Czerny, Williams, Herman and
McLaughlin
Absent: Councilman Grossman (Mr. Grossman arrived
at approximately 8:15 P.M.)

Also present were Township Attorney James R. Minogue and Deputy Clerk Teresa R. Eldridge.

PUBLIC HEARING: Ordinance #11-71 (The Subdivision Ordinance)
(continued)

The continued public hearing on the subdivision ordinance was opened to the public after Council President McLaughlin explained the public hearing procedure to the public.

Reprints of the ordinance were available to the public.

Mr. Martin Powers, 34 Halifax Drive, Morganville asked for Council's determination on his prior request of including a section in the ordinance on the preconditioning of properties for termites. He also stated that he felt that too many approvals are required by the Council and that he objected to the wording of Section 900, Article 9 with regard to fines and to Article 11 with regard to the Administration of the Ordinance.

Mr. Ed Adams, Emerson Drive, Morganville objected to the ordinance as he felt it would tend to keep industry out of town.

Mr. Richard Harris, 33 Regina Road, Morganville made many comparisons between our ordinance and that of Holmdel and New Brunswick. He stated that he saw no provisions having been made for look alike housing.

After a brief recess the meeting was called back to order at 9:22 P.M.

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Councilman McLaughlin commented that the look alike housing section was in the original draft of the ordinance and that it was just an oversight that it was not included in subsequent copies. He also established that this was covered in the Zoning Ordinance.

Mr. Harris asked if the Planning Consultants Report referred to in Section 502.5.3 is necessary.

Mr. Morton Cohen, 43 Sudbury Road, Morganville questioned Section 702.16 regarding the placing of utilities underground. He felt it was too restrictive for Industry. He also stated that with regard to Section 702.7.2 that the ordinance should provide for specific material requirements rather than specific performance standards.

Mrs. Sheila Gross, Lindsay Drive, Morganville read a prepared statement stating her opposition to the proposed ordinance and excerpts from Commissioner Humes' Atlantic City speech. (Councilman McLaughlin asked for a copy of her statement for the record and Mrs. Gross said it would be given to the Council).

Mr. Howard Klau, 10 Hastings Road, Marlboro said the ordinance was too restrictive in regard to requirements for Industry and he objected to a time lag in approvals.

Mr. Powers questioned to or objected to portions or parts of the following sections: 501, 502.5.3, 502.8, 503.3.8, 504.2, 504.4, 503.4.2, 504.13.5, 504.15, 506.9, 700.2, 702.3, 702.4.2, 702.6.5, 702.8.1, 702.8.2, 702.8.3, 702.8.4, 702.8.5, 702.8.9, 702.12, 702.15, 702.16, 702.17, 800.1 and 805.2.

Mr. Edward Fleisher, 20 Emerson Drive, Morganville asked what constituted tentative approval.

Mr. Spencer Halper, 11 Sudbury Road, Morganville asked if a provision could be made to have all existing utility lines put underground over a period of years. He suggested that contact be made with the PUC regarding the feasibility of this.

Mr. Klau asked if a provision had been made for a buffer between developments.

Mr. Herbert Schlesinger, 3 Robinson Road, Morganville stated that he felt this ordinance would impede economic stability now.

Mr. Richard Kaplan, Halifax Drive, Morganville referred to Section 801.4.3 and asked for a definition of a loop street. He questioned the theory of the weak Planning Board versus the strong Planning Board.

Mrs. Betty Barchat, 2 Norwood Court, Marlboro suggested that all parties concerned get together and work in unison to accomplish something constructive for this town.

Mr. Cohen stated that he favored planning to be done by the professionals and objected to the extent of Council involvement of approvals in the ordinance.

Mr. Harris submitted that our rising tax rate has not been because of the developments. He questioned the infallibility of elected officials and he wanted the Township to attain and attract more ratables.

The Chair declared a recess and the meeting was called back to order at 12:05 A.M.

Council President McLaughlin stated that there would be no action taken on the ordinance at this meeting and that he wished to close the public hearing. He further stated that many good suggestions were made and that Council would take them into consideration.

Mr. Halper asked if the Planning Board was going to continue only as a recommending body by this ordinance. He stated that he did not feel increased population would bring in commercial ratable but that different zoning would bring them in.

Mr. Adams said that in his opinion growth is impeded by strict zoning.

Mr. Leonard Schneider, Amherst Road, Marlboro commented that restrictive ordinances will keep out commercial ratables.

Mr. Neil Burkholz, Bruce Road, Morganville voiced his objection to the method of approvals within the ordinance. He felt in the initial stage Council should have its say but go no further.

Mr. Fleisher said that Council should give consideration to the ideas expressed as to having a strong Planning Board.

Mr. Kaplan said that the procedure involved for industrial development to get plan approval was too strict. He felt the procedure would not inhibit residential growth and would impede industrial development.

Mr. Powers stated that this ordinance will stimulate conflict as that this ordinance continues a weak Planning Board and it will continue conflict.

Council President McLaughlin stated that all comments were well taken and he asked for a motion to close the public hearing.

Mr. Powers asked that Council keep the public hearing open until they can come before the public with answers to the points raised.

Councilman Williams offered a motion that Council postpone the public hearing until July 8, 1971. Seconded by Councilman Grossman and after further discussion the motion failed on the following roll call vote:

Ayes: Councilmen Grossman and Williams

Nays: Councilmen Czerny, Herman and McLaughlin

Councilman Herman then made a motion to close the public hearing. At this point Councilman Grossman asked for a legal opinion on the Closing of the public hearing. Mr. Minogue replied that the Chair had the right in its discretion to close the public hearing if the Chair felt that the subject has been discussed, that there was repetition and that the people have been given a reasonable opportunity to express their opinions.

After further discussion on this point Council President McLaughlin declared the public hearing closed.

Councilman Grossman made a motion to overrule the closing of the public hearing by the Chair. The motion died for a lack of a second.

The Chair moved the order of business. Councilman Grossman made a motion to change the order of business to Mr. Minogue's bill on the bonding issue as the first order of business. Council President McLaughlin stated that the Chair recognized its prerogative to change the order of business and asked Councilman Herman to offer Resolution #144-71.

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Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #144-71

"WHEREAS, the Council has authorized Township Attorney James R. Minogue to perform certain services in connection with the preparation and adoption of Bond Ordinance #13-70, and

WHEREAS, the Council has reviewed and certified the voucher presented by the Township Attorney in connection therewith, now therefore

BE IT RESOLVED by the Council of the Township of Marlboro that Township Attorney James R. Minogue's voucher in the amount of \$7,507.13 covering legal services rendered in connection with Bond Ordinance #13-70 be paid forthwith, subject to the availability of funds."

Seconded by Councilman Czerny.

DISCUSSION: Councilman Grossman objected to the payment of Mr. Minogue's voucher stating he was not in favor of fees based on percentages and that the bill be negotiated. Mr. Minogue justified the amount of his invoice and Councilmen Czerny and Williams spoke in favor the bill as being fair and reasonable. The resolution was thereafter adopted on the following roll call vote.

Ayes: Councilmen Czerny, Williams, Herman and McLaughlin
Nays: Councilman Grossman.

A motion was made by the Chair to table action on Resolution #133-71 with regard to ordinance #11-71 until July 8th. The motion passed unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #136-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Engineer be and he is hereby authorized to prepare a revised "Road Map of the Township of Marlboro, Monmouth County, New Jersey"."

Seconded by Councilman Herman.

After a brief discussion as to what the cost of printing the maps would be a motion was made by the Chair to table the resolution in order to get detailed cost of maps. Seconded by Councilman Grossman and passed unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #137-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the firm of Cerrato & O'Connor, Esqs., 64 E. Main Street, Freehold, New Jersey, be authorized to represent the Township of Marlboro in connection with meetings, discussion, negotiations and all other proceedings involving the formation of the Western Monmouth Regional Sewerage Authority, and they shall be paid a reasonable fee for their services rendered previously and to be rendered."

Seconded by Councilman Williams. After a brief discussion the resolution was adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #138-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Engineer be and he is hereby authorized to make recommendations and to prepare a plan to improve the access to Highway 79 and the flow of traffic along the marginal road fronting on the north side of the Brook Estates (Monmouth Heights) development for the purpose of petitioning the New Jersey Department of Transportation for the installation of curbs and the maintenance of the grass divider strip."

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #139-71

"WHEREAS, the Director of Finance and the Mayor have recommended that the First Merchants National Bank be approved as an official depository of township funds;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the First Merchants National Bank be and the same

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is hereby approved as an official depository of township funds, in addition to our present bank accounts."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #140-71

"WHEREAS, Patrick J. & Patricia J. Brady, Block 51C Lot 1, have over-paid their 1970 taxes in the amount of \$38.64,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$38.64 be returned to Patrick J. and Patricia J. Brady."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #141-71

"WHEREAS, William H. Strother of 139 Lower Main Street, Matawan, New Jersey is the owner of premises known as Block 9, Lot 1 in the Township of Marlboro which consists of the southerly portion of a lot, the northerly portion of which is located in the Borough of Matawan and is known as Lot 1A, Block 22, situated on the south side of Williams Street in the Borough of Matawan; and

WHEREAS, R. S. 54:4-25 authorizes the governing body of the municipality where a municipal boundary line divides a tract to request that the entire tract be assessed by the adjoining municipality in which a portion of the tract is located; and

WHEREAS, in the proposed adjustment between the boundary line of the Township of Marlboro and the Borough of Matawan, the aforesaid Block 9, Lot 1 is proposed to be located entirely in the Borough of Matawan;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Marlboro that request is hereby made to the Borough of Matawan to assess, pursuant to R. S. 54:4-25, the portion of the tract owned by William H. Strother located within the Township of Marlboro and known as Block 9, Lot 1 on the Official Tax Map of the Township of Marlboro; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Assessor of the Borough of Matawan."

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #142-71

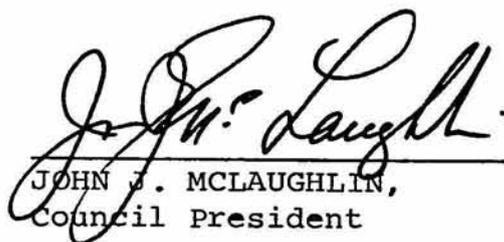
"BE IT RESOLVED by the Council of the Township of Marlboro that effective July 1, 1971 all regularly scheduled Council meetings held on the second and fourth Thursdays of each month be held in Marlboro Elementary School located on School Road West instead of Central School, in accordance with the request of the Marlboro Township Board of Education."

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

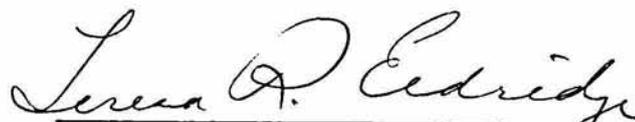
Councilman Herman offered Resolution #143-71 the Bill Paying Resolution (copy of which is attached) and urged its adoption. Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Herman made a motion to adjourn the meeting, seconded by Councilman Grossman and passed unanimously on a roll call vote.

The meeting adjourned at 2:35 A.M.



JOHN J. MCLAUGHLIN,
Council President



TERESA R. ELDRIDGE,
Deputy Clerk

Minutes approved: 10/18/71

RESOLUTION #143-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>	
Leon S. Avakian Inc.	Retainer fee, Jan.	\$300.00		
	Retainer fee, Feb.	300.00		
	Retainer fee, Mar.	300.00		
	Engr. Inspection Services, Holiday No. Feb.	214.90		
	Inspection Serv. Levitt & Sons, March, 1971	545.70		
	Inspection Serv. U.S. Homes, March 1971	2,130.02		
	Inspection Holiday No. March 1971	272.80		
	Tax Map Sheets, J. L.	18.00	\$4,081.42	
	Howard M. Schoor	Retainer, March & misc. Planning Bd. Work	1,370.00	1,370.00
M.J. Bell Tel. Co.	462-0059	365.86		
	462-0059	.45		
	536-4444	34.35		
	462-5713	14.65	415.31	
Edward Usher Co.	Imprinting, Numbering Binding Licenses		23.17	
Mat-Key Press Inc.	Vouchers - Pads	22.50		
	Letterheads	27.75		
	5x8 Cards	14.50		
	300 - Permit to Build	31.00	95.75	
Photo Offset Printing	1000 Statement of Taxes Due		12.05	
Freehold Transcript	Bd. of Adjustment Matter appeal		28.08	
A & A Coffee Serv.	1 Coffee Kit		24.00	
Collins & Smith Inc.	Fire Ins. Bldg. Main St.		193.87	
Paul L. Linnett & Co.	Copy Paper	25.60		
	Repairs	18.80		
	Letter File	68.00	112.40	

Joseph A. Mazzeo	Remove equip. and install in new cars	\$130.00	
	Install 2 Control Consoles for cars.	80.00	\$210.00
Millers Stag Shop	2 Shirts	13.96	
	3 Pants	26.94	40.90
Base Automotive Sup.	Certify Accuracy Police Speedometer		40.00
Scrub-A-Dub Car Wash	Car Washes , 21, for May		26.25
Magnetic Dictation Inc.	5 Soundsciber Tapes	12.00	61.08
Sattellite Prod. Inc.	Jobber Drills		13.70
Sprague's Oil Serv. Inc.	216 Gal. Fuel Oil High Test Gas.	32.40 250.21	282.61
Jersey Central P. & L.	Street Lighting		2583.25
Murry's Office Supply	Record book, Recreation		7.83
West Publishing	N.J. Statutes Mun. Court	4.50	
	N.J. Statutes Mun. Court	18.00	22.50
N.J. State Dept. of Health	Registration fees for tags		14.00

Total

9,658.17

Offered by: *Herman* Ayes: *5*
 Seconded by: *Grossman* Nays: *0*

The above Resolution was adopted this ^{17th} 10th day of June, 1971.

Lucas R. Edridge
~~HERBERT P. ACKERMAN~~
 Deputy CLERK

John McLaughlin
 JOHN McLAUGHLIN
 COUNCIL PRES.

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - JUNE 24, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President John J. McLaughlin at 8:08 P.M. on Thursday June 24, 1971 at Central School.

Following the salute to our Flag the roll was called.

ROLL CALL: PRESENT: Councilmen Czerny, Williams, Herman and McLaughlin
ABSENT: Councilman Grossman (Councilman Grossman arrived at approximately 8:22 P.M. and left at approximately 12:00 A.M.)

Also present were Township Attorney James R. Minogue, Mayor Morton Salkind, Mr. Carl Wheeler of Leon Avakian's Engineering firm and Deputy Clerk Teresa R. Eldridge.

Council President McLaughlin reviewed the agenda and then introduced Mr. Wheeler to the public.

Ordinance #12-71 was read in full by Deputy Clerk Teresa R. Eldridge prior to the opening of the Public Hearing. After President McLaughlin explained public hearing procedure the Public Hearing on Ordinance #12-71 was opened to the public.

Reprints of the ordinance were available to the public.

PUBLIC HEARING: Ordinance #12-71: AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LANDS AND THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$490,000 FOR SUCH PURPOSES AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

Mr. Neil Burkholz, 3 Bruce Road, Morganville submitted that legal fees referred to in Section 8 of this ordinance be based on time and effort expended.

Mr. Merritt Warwick, Box 80-C, Lloyd Road, Morganville asked about the installation of curbing and water and sanitary sewer mains outlined in the ordinance. President McLaughlin replied that this provision was for future hook-up to Matawan or to our own system. Mr. Warwick asked about the acquisition of the 13,000 square feet and the 13.96 acres. He further submitted that he did not think this ordinance was in the best public interest as he would like to see Lloyd Road be a light traffic street.

Ordinance #12-71
AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LANDS AND THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$490,000 FOR SUCH PURPOSES AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

Section 1. That pursuant to the applicable statutes of the State of New Jersey there is hereby authorized the construction or acquisition of the following described general improvements in the Township of Marlboro:

IMPROVEMENT — ESTIMATED MAXIMUM AMOUNT TO BE RAISED FROM ALL SOURCES FOR EACH PURPOSE

- A. The reconstruction of Lloyd Road from State Highway Route 79 to the Matawan Township line, a distance of .585 miles including but not limited to a bridge, a 36 foot wide pavement, culverts, curbing and water and sanitary sewer mains. **\$424,000.00**
- B. The acquisition by purchase or condemnation of an easement or a fee simple in a portion of premises known as Block 3, Lot 1 on the Official Tax Map of the Township of Marlboro consisting of a triangular shaped parcel measuring approximately 1,300 square feet more or less. **\$1,000.00**
- C. The acquisition by purchase or condemnation of an entire parcel of land known as Block 26, Lot 23, on the Official Tax Map of the Township of Marlboro consisting of approximately 13.96 acres of vacant land. **\$65,000.00**

together with, in each case, all other purposes necessary, appurtenant or incidental thereto, and substantially in accordance with the plans and specifications therefor prepared by Leon S. Avakian, Inc., Township Engineer, and filed with and approved by this Council.

Section 2. It is hereby found, determined and declared by this Council as follows:

A. That an appropriation was contained in a budget or budgets of the Township heretofore adopted under the caption "Down Payment Fund" or "Capital Improvement Fund"; that there is now available in said appropriation the sum of \$25,000 which said sum is hereby appropriated as a down payment for the purposes described in Section 1 hereof.

B. That the estimated maximum amount of money to be raised from all sources for the purposes stated in Section 1 hereof is \$490,000.

C. That the estimated amount of the cost of said improvement to be contributed by the State of New Jersey is \$105,000.

D. That the estimated amount of the cost of said improvement to be contributed by the County of Monmouth is \$100,000.

E. That the estimated amount of the cost of said improvement to be contributed by the Township of Marlboro is \$220,000.

F. That the Township of Marlboro will make applications to the United States of America under the Federal Open Spaces program and to the State of New Jersey under the State Green Acres program to finance part of project described herein in Subsection 1(C) and the estimated total aggregate amount to be contributed by the State of New Jersey and the United States of America is \$65,000.

Section 3. That the sum of \$490,000, including said down payment, and the sums to be received from the United States of America, the State of New Jersey and the County of Monmouth be and the same is hereby appropriated for the purposes stated in Section 1 hereof.

Section 4. That there is hereby authorized the issuance of negotiable serial bonds of the Township of Marlboro, in the County of Monmouth, New Jersey, in an aggregate principal amount of not exceeding Four Hundred Sixty Five Thousand Dollars (\$465,000) for the purpose of financing the cost of the improvements and properties described in Section 1 hereof, exclusive of said down payment, pursuant to the Local Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey. The form, maturities, rate or rates of

interest, method of sale and other details of said bonds shall be determined by subsequent resolution adopted pursuant to law.

Section 5. That pending the issuance of the serial bonds authorized in Section 4 hereof there is hereby authorized the issuance of bond anticipation notes of the Township of Marlboro, in the County of Monmouth, New Jersey, in an aggregate principal amount of not exceeding Four Hundred Sixty Five Thousand Dollars (\$465,000) pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey. The form, maturities, rate or rates of interest, method of sale and other details of said notes shall be determined by subsequent resolution adopted pursuant to law.

Section 6. In the event the amounts to be contributed by the State of New Jersey and the County of Monmouth, as set forth in subsections 2 (C) and 2 (D) hereof or any amount contributed from the United States of America, and the State of New Jersey as set forth in subsection 2 (E) hereof, shall be received by the Township prior to the issuance of the bonds or notes authorized herein then the amount of such bonds or notes to be issued shall be reduced by the amounts so received. In the event the funds to be contributed are received by the Township after the issuance of the bonds or notes authorized in Sections 4 and 5 hereof, then such funds shall be applied to the payment of the bonds or notes so issued, and shall be used for no other purpose.

Section 7. It is hereby determined and declared by this Council as follows:

(A) That the average period of usefulness of the improvements or properties described in Section 1 hereof for which the obligations authorized in this ordinance are to be issued, within the limitations prescribed in the Local Bond Law, is at least 18 years.

(B) That the supplemental debt statement required by Section 40A:2-10 of the Revised Statutes has been duly made and filed in the office of the Municipal Clerk prior to the passage of this ordinance on first reading and a complete executed original thereof has been filed in the office of the Director of the Division of Local Finance of the State of New Jersey prior to passage of this ordinance on final reading and such debt statement shows that the gross debt of the Township as defined in Section 40A:2-43 of the Revised Statutes is increased by this ordinance by \$465,000 and that the issuance of the obligations authorized by this ordinance is permitted by an exception to the debt limitations contained in Section 40A:2-7 (d) of said Local Bond Law.

Section 8. That the amount of the pro- nance of the obligations authorized by this ordinance which may be expended for interest on such obligations, engineering, architectural and inspection costs and legal expenses, the cost of the issuance of the obligations authorized by this ordinance, including printing, advertisement of ordinance, resolutions and notices of sale, and legal expenses, in the manner provided in Section 40A:2-20 of the Revised Statutes, is not exceeding \$47,000.

Section 9. The full faith and credit of the Township of Marlboro, in the County of Monmouth, New Jersey, are hereby pledged for the payment of the principal of and interest on all of the bonds or notes issued pursuant to this ordinance, and the sums required for such payment shall in each year while any of said bonds or notes are outstanding be included in the annual budget and raised by tax without limitation as to rate or amount upon all the taxable property within said Township.

Section 10. This ordinance shall take effect twenty days after the first publication thereof after final passage pursuant to law.

(Ord. #12-71)

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on May 27, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Route 79, Marlboro Twp. on June 24, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN,
 Clerk

(\$84.16)

59154

Mr. Ed Adams, 14 Emerson Drive, Morganville questioned the improvement to the road if in the future it will be taken over by the County.

Mr. Manny Emanuel, River Drive, Marlboro asked if the improvement to the road could be done at a lower cost and whether or not we know if the County wants to take it over. He also asked if the attorney's fees would be based on the issuance of bonds or on the amount of the bond sale.

Mr. Adams felt that the traffic would increase on the road with the improvement.

Mr. Stan Bauman, 23 Girard Street, Marlboro stated that the Recreation Commission did not approve of the project as the Commission is opposed to the site for recreation until the State Master Plan is completed.

Mr. Stephen Hoch, 4 Ottawa Road, Morganville also of the Recreation Commission objected to the ordinance.

Mrs. Joyce Hilfman, 63 Millay Road, Morganville felt the area should not be called a recreation site.

Mayor Salkind stated he objected to the Lloyd Road site as to this ordinance on a dollar & cents basis. He stated better sites could be secured for about \$1900 per acre and with negotiations for as low as \$1600 per acre.

Mr. Barney Barrish, Morganville questioned what we should pay for the three different acquisitions mentioned in the ordinance.

Mr. Ira Hilfman, 63 Millay Road, Morganville asked if the site priority on the master plan was in the lower third how the Council would feel about the acquisition of the site.

Mr. Herbert Gold, Morganville wanted to know if Council has heard from the Department of Transportation and if the town could ask the County to take over the road.

A recess was declared by the Chair, the meeting was called back to order at 10:17 P.M.

Mr. Gold asked Council's reasons for giving priority to the widening of this road.

Mrs. Sheila Gross, 2 Lindsay Dr., Morganville objected to the use of land for recreation and asked why money should be spent if the County is planning to extend Tennent Road.

Mr. Leonard Schneider, 5 Amherst Road, Marlboro asked if we have any assurance from the County that they will take over the road in the next few years.

Mr. Stan Bauman suggested that a proper appraisal was not obtained.

Mr. Leonard Gross, 2 Lindsay Drive, Morganville said he would like to see the road paved rather than the planned project.

Mr. Howard Klau, 10 Hastings Road, questioned the wisdom of increasing our debt and increasing the tax rate.

Mr. Martin Powers, 34 Halifax Drive, Morganville suggested the possibility of the town building a municipal building on the site. He also suggested a revision of Section 8 so that the sum will not exceed \$20,000 instead of \$47,000. He asked who owned the 13.9 acres and suggested that the Township dicker on the price of the land with the owner. He questioned the condemnation mentioned in the ordinance.

Mr. Ira Hilfman asked if the debt limit has been exceeded and if permission was needed from the state to exceed the debt limit.

Mr. Manny Emanuel stated that he felt we are mortgaging the town to a tremendous amount of debt. He also asked how many accidents there have been on Lloyd Road.

Mr. Ed Adams questioned the number of fatalities on this road in the past five years.

Mr. Robert Dreblat, 15 Lindsay Drive, Morganville asked Council to table the ordinance until the County propositions in regard to the road are found out.

A recess was called for by the Chair. The meeting was again called to order at 11:35 P.M.

Mr. Dick Kaplan, 35 Halifax Drive, Morganville asked if the public hearing would be closed. He asked Council to adjourn the public hearing in order to give the public the benefit of Council's research on the points raised. He felt the road should be repaved and that money should not be expended for the Lloyd Road project. He felt Council should get other appraisals.

A recess was called for by the Chair. The meeting was again called to order at 12:05 A.M.

Mr. Dick Kaplan objected to Council overriding the opinion of the Recreation Commission with regard to this ordinance. He asked if Council would have answers to the questions asked by the public. Council President McLaughlin listed the questions that Council would research. Mayor Salkind said he would attend the Board of Freeholder's next meeting and he would also submit a safety report on Lloyd Road. Council President McLaughlin stated that Council would get another appraisal and Mayor Salkind said that he will also obtain an appraisal.

The Chair closed the public hearing on Ordinance #12-71 with the proviso that the Council will have an open discussion on the issues that were brought up by the public.

Councilman Herman offered a motion to carry action on Ordinance #12-71 to the meeting of July 8, 1971. Seconded by Councilman Czerny and carried unanimously by those present.

Council President McLaughlin opened this portion of the meeting to the public in order to discuss the water problem in the development areas.

Mr. Robert Dreblat, 15 Lindsay Drive, Morganville spoke of the water shortage in the Whittier Oaks West area. He asked what the Council and the Mayor can do to alleviate the problem. He stated that during peak hours the people cannot draw enough water for use for baths and toilet facilities and that this is a health and safety hazard. He said the hydrants do not have adequate pressure and this condition lets the insurance companies off the hook.

DISCUSSION: Mayor Salkind requested the Council to give him the authority to withhold the C. of O.s to U.S.Home as a pressure measure. He stated that he will ask Council for total water restriction in Whittier Oaks West and for the revision of the ordinance with option of declaring different types of emergencies in each of the different areas separately. He wanted to ask the Municipal Utilities Authority by resolution to come up with a program for improving the private water companies service.

A recess was declared by the Chair. The meeting was called back to order at 12:50 A.M.

The Chair asked for a motion for the Mayor to be authorized to direct the Building Inspector to withhold the C. of O.s from the U.S.Home & Development Corporation because of the problem outlined this evening, to wit: the low water pressure is a danger to life and limb in the area of Whittier Oaks West and Whittier Oaks East and other areas and that the resolve of this problem be taken care of by Central Jersey Water Company forthwith. So moved by Councilman Herman. Seconded by Councilman Williams.

DISCUSSION: Councilman Herman asked that the motion also indicate not only a potential hazard to public safety but also to the public health. Mayor Salkind said that the Council has agreed to include the other two points with regard to the Municipal Utilities Authority and the ordinance change. The motion was thereafter carried unanimously by those present on a roll call vote.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #145-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to institute suit in the Superior Court against Atlantic Seaboard Home & Development Corp., Aetna Casualty and Surety Co. in connection with the following claims of the Township of Marlboro with respect to the major subdivisions known as Village Homes Sections One, One A., Two, Three, and Brook Estates, Section One, Two and Three:

1. All claims for damages on account of default in the performance bonds posted with the Township by Atlantic Seaboard Home & Development Corp. in connection with the above major subdivisions. Said damage claims shall include the cost of right of way and construction for a roadway connecting the two ends of Dixon Road, a roadway connecting Marblewood Road and Collingwood Road, a cul-de-sac at the end of Farrell Lane and the cost of the completion of storm drainage lines to State Highway facilities to be constructed under Route 18.

2. All claims of the Township for engineering inspection fees in connection with the above subdivisions pursuant to the Township's subdivision ordinance and all claims for the cost of engineering inspection fees incurred in connection with the inspection of the above subdivisions pursuant to requests for release of said bonds."

Seconded by Councilman Czerny.

DISCUSSION: Council President McLaughlin asked if this included all of the performance bonds. Mr. Minogue replied that it did in all sections. Council President McLaughlin explained that the developer has not taken care of all of the problems and Council is taking them to task. The resolution was thereafter adopted unanimously by those present on a roll call vote.

Council President McLaughlin noted receipt of a Petition from residents in the area of Lloyd and Nolan Road and Marlboro Gardens containing 205 signatures approving the action of Council to obtain the Lloyd Road site. The Petition was filed with the Clerk.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #146-71

"WHEREAS, a traffic hazard exists at the intersection of Halifax Road and Church Road involving inadequate sight distance;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the Township Engineer be and he is hereby authorized to prepare an initial study to determine the scope of the work and the amount of property acquisition required for the widening of the roadway and the flattening of the vertical curve at said intersection for the purpose of correcting the inadequate sight distance;

BE IT FURTHER resolved that no field survey work, engineering work, preparation of property acquisition maps or contract plans and specifications be undertaken until further authorization by Council."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #147-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the second regularly scheduled Council meetings in July and August be cancelled."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #148-71

"WHEREAS, the Zoning Board of Adjustment on June 15th, 1971 recommended to the Council that a variance be granted to Alfred J. Holland and Harvey V. Holland as owners of the premises known as Block 74, Lot 13 on the Official Tax map of the Township of Marlboro to permit the use of said property for a par-three golf course; and

WHEREAS, the Zoning Board of Adjustment found that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Marlboro;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro as follows:

1. The Council hereby adopts the findings of fact and conclusions of law numbered 1 through 6 in the aforesaid resolution of the Zoning Board of Adjustment.

2. The Council hereby finds that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Marlboro.

3. Alfred J. Holland and Harvey V. Holland as owners of premises known as Block 74, Lot 13 on the Official Tax Map of the Township of Marlboro be and they are hereby granted a variance to use a portion of said property for a par-three golf course in conformance with a plan entitled "For the Holland Property", Marlboro Township, Monmouth County, New Jersey; location, Block 74, Lot 13, Scale 1"= 80', dated February 3rd, 1971, revised May 5th, 1971, drawn by John LaRosa, subject to the further condition that in addition to the four foot wire fence, shrubbery or a hedge shall be planted along Lot 14 and along School Road East, or the area shall be left in its present condition."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #149-71

"WHEREAS, the Zoning Board of Adjustment on June 15th, 1971 recommended to the Council that Catherine Smith, as contract purchaser of property located on Harbor Road known as Block 33, Lot 33 on the Official Tax Map, on behalf of Joseph and Grace Guth, as owners, be granted a variance to permit the use of said property for the purpose of boarding horses and giving riding instruction; and

WHEREAS, the Council has reviewed the resolution of the Zoning Board of Adjustment, the minutes of the Board and the exhibits marked into evidence;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro as follows:

1. The Council hereby adopts the findings of fact and conclusions of law as contained in the resolution of the Zoning Board of Adjustment numbered 1 through 6 inclusive.

2. That Catherine Smith, as contract purchaser, and Joseph and Grace Guth, as owners, be granted a variance to use premises known as Block 33, Lot 33 on the Official Tax Map of the Township of Marlboro for the purpose of boarding horses and giving riding instruction, which property will be used in accordance with a site plan entitled "Site Plan for Lot 33, Block 33, Township of Marlboro, Tax Map Sheet 5, Revised December 28th, 1964, Harbor Road, Township of Marlboro, Scale 1"=100', dated May 6th, 1971" prepared by S. & M. Land Survey and Engineering Corp., Holmdel, New Jersey, subject to the conditions imposed by the Zoning Board of Adjustment as follows:

- a. All split rail fencing designated on said site plan for corral riding rink areas and any other areas used to pasture horses shall be reinforced with woven wire fencing;
- b. No manure or animal feces shall be piled within 300 feet of any property line;
- c. There shall be no more than 40 stalls permitted."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

The following resolution was offered by Councilman Czerny who urged its adoption:

RESOLUTION #150-71

"WHEREAS, the Board of Education of the Township of Marlboro has requisitioned \$84,490.00 in district taxes needed to meet all interest and debt redemption charges during the first forty (40) days of the school year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian of School Moneys the sum of \$84,490.00 which payment shall be made within the next fifteen days."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #151-71

"WHEREAS, the Board of Education of the Township of Marlboro has requisitioned \$363,864.00 in district taxes, exclusive of debt service requirements needed to meet the obligations of the Board of Education for the next eight weeks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian of School Moneys the sum of \$363,864.40 within the next thirty days in accordance with the statutes relating thereto."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #152-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Marlboro Township Rainbow League be granted a Raffle license for July 18, 1971, for an off premise raffle in accordance with their Application No. RA:134."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #153-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the liquor licenses for the year 1971-1972 be renewed for the following:

- C-2 William S. McCormick, trading as Marlboro Inn, East Main Street, Highway 79, Marlboro, N.J.
- C-3 520 Bar, Inc., Route 520 and Conover Road, Marlboro, N.J.
- C-4 Eugene J. and Leocadia Janowski, trading as Fireside Lodge, State Highway 79, Marlboro, N.J.
- C-5 Julia's Grill and Restaurant, Inc., Highway 9

0029

- C-6 Taras Ulashkevich, trading as Andiron Inn, Highway 79
C-8 A. J. J. R. Inc., trading as Trot Inn, Highway 9
D-1 Rose Laub, trading as Marlboro General Store, southeast corner of Main and School Road Streets, Marlboro
D-2 Abe Solomon, trading as Morganville General Store, Old Tennent and Spring Valley Road,
CB-1 Morganville Independent Club, northerly side of Texas Road."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #154-71

"WHEREAS, the Morganville Bar & Grill, Inc., located on the southerly side of Tennent Road, has submitted an application for renewal of its C-7 liquor license for the year 1971-1972, and

WHEREAS, Notice of Application for renewal of license will be published in the June 23, 1971 and June 30, 1971 issues of the Matawan Journal;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above C-7 license be issued subject to the condition that no written objection to the issuance of the license is filed within two days after the second publication, and if within said period written objection to the issuance of the license is filed, the license shall not be issued pending the further determination of the Township Council."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #155-71

"WHEREAS, the Manzo Contracting Co. Inc. of Matawan, N.J. trading as the Red Horse Inn, E/S Main Street, Route 79, Marlboro, N.J. has submitted an application for renewal of its C-1 liquor license for the year 1971-1972; and

WHEREAS, corrected notice of application for renewal was published in the June 24, 1971 issue of the Freehold Transcript;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above C-1 license be issued subject

to the condition that no written objection to the issuance of the license is filed within two days after the corrected publication, and if within said period written objection to the issuance of the license is filed, the license shall not be issued pending the further determination of the Township Council."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered Resolution #156-71, the Bill Paying Resolution (copy of which is attached and made a part hereto). Seconded by Councilman Herman.

DISCUSSION: Mr. Minogue wanted to check the legality of the procedure of approval of the last item, the Mrs. Spencer Embree bill for the loss of a steer damaged by dogs.

The Chair moved to delete the last item on the resolution, the Mrs. Spencer Embree bill in the amount of \$360.00, seconded by Councilman Herman and passed unanimously by those present.

The Bill Paying resolution was thereafter adopted unanimously on a roll call vote by those present as amended above.

MAYOR'S REPORT: Mayor Salkind reported that the Road Department has continued as usual. He said that the Police Force is up to eighteen Officers and that the new cars are being used. He reported that the Gypsy Moth Spraying Program is continuing and that the first of two days ground spraying has been completed. He said that people have asked that their property not be sprayed and that Friday will be the last day of spraying. He asked for an Ordinance for a Shade Tree Commission or the creation of a Department of Parks. He felt a major Gypsy Moth program would be needed next year.

He stated that he felt we should take the steps to appoint a Municipal prosecutor and that it was his feeling that it should be an appointment of the Mayor with advice and consent. He stated that he had no objection to naming the Township Attorney to that post. He further stated that Judge Harrington will continue to serve in his post until he is reappointed or until someone else is appointed.

He announced that he has appointed a special committee consisting of residents of Whittier Oaks East and Monmouth Heights to force a reopening of a Public Hearing on Route 18.

He also announced that the Regional group consisting of three members of the Marlboro Planning Board and three members of the Madison Township Planning Board has held its first working meeting and that they have agreed on a program and are hiring a planner jointly. He said it will be necessary for him to request a resolution appropriating approximately \$1,000 to fund this item.

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Petty Cash	Petty Cash		46.25
Paul Linnett & Co.	Assorted supplies		104.26
The Daily Register	Legal Ad.		71.50
Lench's Print Shop	Voting Strips		98.00
Brown Publishing & Print	Sample Ballots		423.50
Marlboro Waxing Service	Janitorial Services Apr.R.R.	22.00	
	Janitorial Services Apr.Pol.	34.50	56.50
Hillpot Farm Stores	Insect spray, Wax & etc.		179.81
Robbins Electric Inc.	Flourescent Lights		20.16
A & A Coffee Service	Coffee kit		24.00
Kepwel Spring Water Co.	Spring Water & Cooler Rent.		51.50
Sloans Paper Products	Cups		31.75
Mat-Key Press	Post Cards		26.00
Magnetic Dictation Inc.	Repair Soundsciber		18.00
Walter Heath Company	Alum. Sign Bolt Assembly		30.00
Atkinson & Smith	Antennas, Police		40.38
The Bargain House	2 Air-Conditioners		489.90
J.S. Raub	Boots, Police		25.49
Marlboro Auto Wreckers	Compressor		40.00
Red the Tailor	Uniforms		282.79
R & R Auto Body	Paint Police Cars		300.00
Miller's Cleaners	Cleaning, February, 1971	104.00	
	Cleaning March	104.00	
	Cleaning April	104.00	
	Cleaning May	104.00	416.00
Sprague's Oil Service	Gasoline, May Police	806.62	
	Gasoline, May Road Dept.	263.83	1,070.45
Dick's Lawn Mower Serv.	Repair Saw	14.25	
	Sharpen Saws	11.50	25.75
Hutchinson, Inc.	Black reducing Bushing		1.55

0033

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Matty's Auto Parts	Inv. 20177 Police	14.52	
	21058	17.90	
	22172	35.88	
	22677	19.20	
	24296	44.74	
	1-1774	19.50	
	27522	27.62	
	26685 St. & Rds.	71.32	
	27332	4.50	
	28274	94.92	350.10
Mechanics Uniform Rental	Rental May	139.50	
	Rental April	108.50	
	Rental March	108.50	356.50
Harter Equip. Inc.	Hoses	20.87	
	Hose	8.48	
	Hose	10.39	39.74
Conover Bros.	Sickle Bar Grinder		25.00
Lee Battery Service	Battery		46.24
Tom's Ford Inc.	Lamps & Lens		15.87
William H. Potter & Son	Saw Blade		6.50
Harry Frank - Printer	Membership cards, Recreation		40.00
Middlesex Brookdale Bev.	Soda, Recreation		7.35
Marlboro Twn. Cent. PTA	Tickets to Play & Magic Show		20.00
Assoc. Sterlings Films	Rental Films		78.12
Asbury Park N.Y. Transit	Bus Rental Yankee Stad.		209.00
Murry's Office Supply	Duplicator 5/6	5.85	
	Duplicator 5/5	5.85	11.70
Colonial News	Adv. for help, Rec.		12.60
Paul Mark Printing	Rabies Clinic Cards		36.00
Colonial News	Rabies Clinic notice		66.00
Mrs. Spencer-Embree	Loss of Steer, Charged Dog Acc't		360.00

Total -----

\$ ~~41,788.87~~
 \$ 21,788.87
 366.00
 \$ 21,422.87

Offered by: *Gandy*

Ayes: 4

Seconded by: *Alman*

Nays: 0
 Absent: *Gronow*

The above Resolution was adopted this 24th day of June, 1971.

James K. Uebright
 MILERS F. ACKERMAN, CLERK
 Deputy

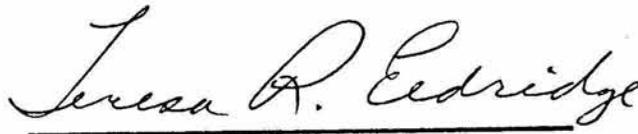
John McLaughlin
 JOHN McLAUGHLIN, COUNCIL PRES. 0034

After a brief public session the Chair asked for a motion to adjourn the meeting, so moved by Councilman Herman seconded by Councilman Czerny and passed unanimously on a roll call vote by those present.

The meeting adjourned at 1:57 A.M.



JOHN J. MCLAUGHLIN,
Council President



TERESA R. ELDRIDGE,
Deputy Clerk

Minutes approved: 10/18/71

6/24/71

- 11 -

0035

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - JULY 8, 1971

The regular meeting of the Council of the Township of Marlboro was called to order at 8:10 P.M. on Thursday, July 8, 1971, at the Marlboro Elementary School located on School Road West. Following the salute to our flag, the roll was called.

ROLL CALL: Present: Councilmen Czerny, Grossman, Williams and Herman.
Absent: Council President McLaughlin

Also present were Mayor Morton Salkind, Attorney Joseph Grabler, (filling in for Township Attorney James R. Minogue) and Clerk Mildred Ackerman.

Councilman Williams moved that Councilman Herman be nominated as Acting Council President in Pres. McLaughlin's absence. Motion seconded by Councilman Czerny and carried with Councilman Herman abstaining.

Acting Council Pres. Herman reviewed the agenda and opened the Public Hearing on Ordinance #13-71.

PUBLIC HEARING: Ordinance #13-71 "AN ORDINANCE REQUIRING THE OWNER OR TENANT OF LANDS LYING WITHIN THE TOWNSHIP OF MARLBORO TO KEEP ALL BRUSH, HEDGES AND OTHER PLANT LIFE, GROWING WITHIN 10 FEET OF ANY ROADWAY AND WITHIN 25 FEET OF THE INTERSECTION OF TWO ROADWAYS, CUT TO A HEIGHT OF NOT MORE THAN 2½ FEET AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT." (Copy of Ordinance is attached hereto as Exhibit "A")

Reprints of the ordinance were distributed to the public.

Mayor Salkind said this ordinance had been requested by the administration and that he was pleased that Council was taking this action.

Mr. Martin Powers, 34 Halifax Drive, Morganville, asked for an explanation of the provisions of Section 5.

July 8, 1971

This is A Reprint of The Asbury Park Press

PUBLIC NOTICE

ORDINANCE #13-71
AN ORDINANCE REQUIRING THE OWNER OR TENANT OF LANDS LYING WITHIN THE TOWNSHIP OF MARLBORO TO KEEP ALL BRUSH, HEDGES AND OTHER PLANT LIFE, GROWING WITHIN 10 FEET OF ANY ROADWAY AND WITHIN 25 FEET OF THE INTERSECTION OF TWO ROADWAYS, CUT TO A HEIGHT OF NOT MORE THAN 2½ FEET AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT. BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. Every owner or tenant of lands lying within the Township of Marlboro shall keep all brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two roadways, cut to a height of not more than two and a half (2½) feet where it shall be necessary and expedient for the preservation of the public safety.

SECTION 2. The Police Department of the Township of Marlboro, shall from time to time report to the Director of the Division of Public Safety, the existence on any property with the Township any brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two roadways, which are or are likely to become traffic hazards and dangerous to the public safety.

SECTION 3. Upon receipt of any such report from the Police Department or from any other source, the Director of Public Safety shall inspect the area. If the Director of Public Safety determines that any such brush, hedges or other plant life is or is likely to become a traffic hazard and dangerous to the public safety, he shall cause to be served in the manner set forth in Section 5 herein, a written notice requiring the owner or tenant to keep all such brush, hedges and other plant life cut to a height of not more than two and one-half (2½) feet and all such limbs and foliage on any such trees trimmed to not less than ten (10) feet from the ground.

SECTION 4. In the event the owner or tenant neglect or refuse to cut or trim the same within said ten-day notice period, or within any other time herein specified, or as specified in said notice, the required trimming or cutting shall be done by the Township under the direction of the Director of Public Safety who shall keep an accurate record of the cost thereof and shall certify said cost to the Township Council. The Council shall examine the said cost and if found to be correct, shall, by resolution direct the Collector of Taxes to charge the said cost against the lands from which the same were removed, or in the event such cost be excessive to cause the reasonable cost thereof to be charged against said lands. Any amount so charged shall forthwith be and become a lien upon said lands and shall be added to and become a part of the taxes next to be assessed and levied upon such lands in the amount and as provided and authorized by New Jersey Revised Statutes 40:48-2.27 and any amendments thereof and supplements thereto.

SECTION 5. The notice herein required shall be served upon an owner or tenant residing in the Township in person or by leaving the same with a member of his family over the age of fourteen years; upon an owner or tenant not residing in the Township either by personal service or by mailing the same to him at his last known post office address certified mail, return receipt requested, or by service upon the occupant, manager, operator or agent of the owner in charge of the property. In the event the owner or tenant is unknown or service cannot, for any reason, be made, the notice shall be published at least once not less than thirty days before the proposed removal and destruction in a newspaper circulating in the Township.

SECTION 6. "Roadway" for the purpose of this Chapter shall be defined to mean that portion of any street, avenue, or highway lying between the curb lines thereof, or in the event that no curb line is established comprising the travelled portion thereof.

SECTION 7. Each and every owner or tenant who shall refuse or neglect to cut or trim the brush, hedges or other plant life designated in any notice herein provided for after the time specified in any such notice shall, in addition to the assessment procedure above provided, upon conviction, pay a fine of not more than One Hundred Dollars (\$100.00).

SECTION 8. This ordinance shall take effect twenty days after its final passage of Council and approval by the Mayor.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on June 18, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School, School Road West on July 8, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
 MILDRED F. ACKERMAN, Clerk
 (\$51.84) 7700

Mr. Edward Adams, 14 Emerson Drive, Morganville, objected to the notice being served on someone over the age of 14 years. Councilman Grossman explained that was the language used by the Courts in prescribing whom may be served in a lawsuit.

Mrs. Mary Denton asked who was the Director of the Division of Public Safety.

As no one else wished to speak regarding the ordinance, the Chair declared the public hearing closed.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #157-71

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

ORDINANCE #13-71

AN ORDINANCE REQUIRING THE OWNER OR TENANT OF LANDS LYING WITHIN THE TOWNSHIP OF MARLBORO TO KEEP ALL BRUSH, HEDGES AND OTHER PLANT LIFE, GROWING WITHIN 10 FEET OF ANY ROADWAY AND WITHIN 25 FEET OF THE INTERSECTION OF TWO ROADWAYS, CUT TO A HEIGHT OF NOT MORE THAN 2½ FEET AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

The Mayor requested the Clerk to give him the original ordinance, and he signed same at the Council table.

UNFINISHED BUSINESS:

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #158-71

0038

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Engineer be and he is hereby authorized

to expend up to \$8,500.00 to engage an independent laboratory to take core samples of new pavement installed under the road bonding ordinance #13-70, and to test samples and to determine whether there has been compliance with the contract specifications.

BE IT FURTHER RESOLVED that the costs incurred for the above core samples be deducted from the amount due the contractor under the contract."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Following the adoption of the above resolution, Councilman Grossman offered a motion that the Township Clerk instruct the Township Engineer to submit a report to Council by the August meeting as to his recommendations based upon the core samples that were taken on the roads that were done in the 1970 road program, specifically Route 520, and his recommendations as to the solutions should those core samples be found less than adequate. The motion was seconded by Councilman Czerny.

Discussion on motion: Mr. Philip Newman of Thomas Lane and Reverend Wood interrupted the discussion to ask when the water in the Texas Road area would be installed. They complained about lack of utility services, requested that Thomas Lane be paved and also requested recreational facilities for their children. Rev. Wood objected to a recent article which appeared in a local newspaper concerning the young people in the Texas Road area and said the statements should be retracted. Following further discussion on the problems in that area, Acting Council Pres. Herman told Mr. Newman and Rev. Wood that Council would be very happy to meet with members of their community and discuss their problems at a time and place convenient to them.

The motion offered by Councilman Grossman and seconded by Councilman Czerny was thereafter unanimously adopted on a roll call vote.

Councilman Grossman then offered the following resolution and urged its adoption:

0039

RESOLUTION #159-71

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

Ordinance #4-71 as amended

AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS

be introduced and passed first reading and that the same be published in the Asbury Park Press on Wednesday, July 21, 1971 with the notice required by law and that the same be considered for final passage on August 12, 1971 at 8 P.M. at Marlboro Elementary School, School Road West, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Williams and adopted unanimously on a roll call vote. (Copy of Ordinance is attached hereto as Exhibit B)

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #160-71

"WHEREAS, Ordinance #5-71 (amended) authorizing the summer youth activities program for 1971 authorized the expenditure of a sum not to exceed \$15,000.00 contingent upon the inclusion of Colts Neck and Manalapan Townships in said program; and

WHEREAS, Colts Neck Township has indicated it will not participate in said program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the authorization in said ordinance to expend funds not to exceed \$15,000.00 is hereby reduced so that the limit of expenditures shall be \$10,000.00 which shall be allocated as follows:

Salaries and Wages	...	\$ 8,000.00
Other Expenses	...	\$ <u>2,000.00</u>
T o t a l	...	\$10,000.00"

Seconded by Councilman Williams.

0040

This is A Reprint of The Asbury Park Press

ORDINANCE 4-71 (Amended) AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey:

SECTION 1. A code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted pursuant to Chapter 188, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

SECTION 2 The said code established and adopted by this Ordinance is described and commonly known as the Individual and Semipublic Water Supply Code of New Jersey (1966) as approved by the State Department of Health, July 1, 1966.

SECTION 2 (a). Section 9.1 of the Individual and Semi-Public Water Supply Code of New Jersey (1966) be and the same is hereby amended to read as follows:

9.1 Licenses or Permits Water Supplies shall not be located, constructed or altered until the administrative authority or its authorized agent has issued a license or permit for such location, construction or alteration except that emergency repairs may be made provided that an application for a permit is made within 5 days after the completion of said emergency repairs.

SECTION 3. Three copies of the said Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the Director of the Division of Health upon the introduction of this ordinance and will remain on file in said office for the use and examination by the public. All references in said Code to board of health shall mean and include the Division of Health in the Department of Administration.

SECTION 4 (a). No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of said water supply shall have been issued by the Division of Health. No permit shall be required for the installation of wells used for the purpose of irrigation of a residential property.

(b) The Division of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the code.

SECTION 5 (a). New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied, which must rely on such a supply for water, until the Division of Health shall have issued a certificate indicating that the said water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificate shall not be required for alteration to an existing water supply.

(b) The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Division of Health that the said water supply has been located and constructed in accordance with the terms of the permit

and the requirements of the aforesaid code.

SECTION 6. In case any permit or certification required by this ordinance is denied by the Division of Health, a hearing shall be held thereon before the Director within fifteen (15) days after request therefor is made by the applicant and upon such hearing the Division of Health shall affirm, alter or rescind its previous determination and take action accordingly within fifteen (15) days after the date of such hearing.

SECTION 7. The Division of Health may order all further work in and about any water supply, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

SECTION 8. The following fees and charges are herewith established:

(a) For the filing of an application and plans for a permit to locate and construct a water supply Twenty-five Dollars.

(b) For the filing of an application and plans for a permit to alter an existing water supply Fifteen Dollars.

(c) For the issuance of a permit to locate and construct or alter a water supply Five Dollars.

(d) For each reinspection of a water supply, or part thereof, caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, an inspection fee of Ten Dollars shall be charged.

SECTION 9 (a). Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this Ordinance or Individual and Semipublic Water Supply Code of New Jersey (1966) made a part hereof shall, upon conviction thereof, pay a penalty of not less than Five Dollars nor more than Five Hundred Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 10. All ordinances, codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

SECTION 12. This ordinance and the code herein established shall take effect 30 days after the first publication of the Ordinance in accordance with the provisions of R.S. 26:3-69.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on July 8, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School, School Road West, Marlboro Township, on August 12, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk (\$71.68) 7823

Following a discussion as to the best allocation of the \$10,000 the Mayor reported on the progress of the program and discussions had with Manalapan and Colts Neck Townships. He said that although Colts Neck wanted to join in the program they did not want to spend more than \$2,000 and that although Manalapan had passed their resolution #71-84 approving \$5,000, they were questioning the costs of the program. He asked Council to appoint a committee to study the program.

Following a brief recess called to discuss the matter, Councilman Grossman offered a motion to amend the resolution by deleting everything after the \$10,000 figure which includes the words which should be allocated as follows, and that the last paragraph in the resolution should read:

"NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the authorization in said ordinance to expend funds not to exceed \$15,000.00 is hereby reduced so that the limit of expenditures shall be \$10,000."

Motion seconded by Councilman Williams and adopted unanimously by those present. The motion

The resolution as amended above was thereafter adopted on a unanimous roll call vote by those present.

Acting Council President Herman then offered the following motion: To establish a five person committee to be composed of a member of the Township Committee of Manalapan, the Chairman of the Recreation Committee of Manalapan, the Chairman of the Recreation Commission of Marlboro, Councilman Williams of Marlboro and the Director of the Summer Youth Activities Program; the function of the committee to clear up any misunderstandings regarding the SEAP program with Manalapan, to obtain funds committed by resolution for this program from Manalapan and at their discretion to negotiate with the Township of Colts Neck for their inclusion in the program on an equal financial basis, such committee shall have the further authority to undertake such action within the scope of the ordinance as may be deemed fit based on the results of their deliberation, the maximum life of such committee to be terminated July 19, 1971.

Motion seconded by Councilman Grossman and carried unanimously.

NEW BUSINESS:

0042

Councilman Williams offered the following resolution and urged its adoption:

July 9, 1971

RESOLUTION #161-71

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

Ordinance #14-71

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT CONTAINED THEREIN

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Wednesday, July 21, 1971 with the notice required by law and that the same be considered for final passage on Thursday, August 12, 1971 at 8 P.M. at Marlboro Elementary School, School Road West, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Czerny and adopted unanimously on a roll call vote by those present after discussion. (Copy of Ordinance is attached hereto as Exhibit"C")

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #162-71

"WHEREAS, an emergency has arisen in that a final judgment has been entered against the Township of Marlboro in favor of Milton Kosene in the amount of \$8,000.00 together with costs in an action for legal services rendered in the year 1968, and no adequate provision was made in the 1971 budget for the aforesaid purpose and N.J.S.40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$15,626.05 and three percent of the total operating appropriations in the budget for 1971 is \$27,184.35.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.40A:4-48, 1, An emergency appropriation be and the same is hereby made for:

0043

**Ordinance #14-71
AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT CONTAINED THEREIN.**

WHEREAS, the Council of the Township of Marlboro, County of Monmouth, New Jersey, has heretofore determined that it is in the public interest to undertake the codification and revision of the general ordinances of the Township of Marlboro; and

WHEREAS, pursuant to said determination, it has caused its ordinances of a general and permanent nature to be compiled and revised, and the same embodied in a revision and codification known as the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey"; and

WHEREAS, pursuant to N.J.S.A. 40:49-4, the governing bodies of municipalities may provide for the revision and codification of their ordinances; and

WHEREAS, the enactment of this ordinance, providing for the codification of the ordinances of a general and permanent nature, will promote the general welfare of the Township of Marlboro and its citizens;

Now, therefore, be it ordained by the Council of the Township of Marlboro, County of Monmouth and State of New Jersey as follows:

§ 1-1. Adoption of Code.

A. Pursuant to N.J.S.A. 40:49-4, there is hereby adopted by Council of the Township of Marlboro a revision and codification of its ordinances known as "The Code of the Township of Marlboro, County of Monmouth and State of New Jersey," of which not less than one (1) copy has been made and is now filed in the office of the Clerk of the township, and the same is hereby adopted and incorporated as fully as if set out herein, and, from the date this ordinance shall take effect, the provisions shall be controlling.

B. The copy of the revision and codification of the ordinances of the Township of Marlboro above referred to as being filed in the office of the Clerk of the township shall remain in said office for the use and examination of the public until final action is taken upon this ordinance and thereafter while the same shall be in effect.

§ 1-2. Provisions considered as continuations of existing ordinances; proviso.

The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, shall be considered continuations of such ordinances and not new enactments; provided, however, that in the event of any conflict between the provisions of this Code and the provisions of a heretofore existing ordinance, the wording of the provisions as contained in this Code shall, from and after the effective date of this ordinance, be controlling.

§ 1-3. When effective.

All provisions of the Code of the Township of Marlboro, County of Monmouth and State of New Jersey shall be in full force and effect on and after the effective date of this ordinance.

§ 1-4. Definitions.

A. Terms used in this Code, unless otherwise specifically defined, have the meanings prescribed by the Revised Statutes of New Jersey for the same terms.

B. Terms used in this Code have the following meanings:

CHARTER — The Mayor-Council Plan E, Article 7 of the Optional Municipal Charter Law (N.J.S.A. 40:69 A-1 et seq.) as amended.

COUNTY — County of Monmouth.

DEPARTMENT — An organizational unit of the government established or designated as a department.

GENERAL LAWS — Any law or provision of law of the State of New Jersey not inconsistent with the aforesaid Optional Municipal Charter Law, heretofore or hereafter enacted, which is by its terms applicable or available to all municipalities and the following additional laws, whether or not such additional laws are so applicable or available to all municipalities, legislation relating to taxation, local courts, education, health, public authorities serving more than one municipality and municipalities in unbound financial condition.

ORDINANCES — The ordinances of the Township of Marlboro and all amendments thereto.

PERSON — Any natural individual, firm, trust, partnership, association or corporation. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof, and, as applied to corporations, includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE — State of New Jersey.

TOWNSHIP — The Township of Marlboro, in the County of Monmouth and State of New Jersey.

TOWNSHIP COUNCIL OR COUNCIL — The Governing Body of the Township of Marlboro.

§ 1-5. Repeal of certain ordinances.

All ordinances of a general and permanent nature adopted prior to July 8, 1971, and not contained in the Code of the Township of Marlboro, Monmouth County, New Jersey, are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in § 1-6, and excepting all ordinances of a general and permanent nature adopted on and after July 8, 1971, which such ordinances shall be included in this Code as replacement pages as a part of the Code.

§ 1-6. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provisions of the Township of Marlboro prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township of Marlboro, or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Township of Marlboro.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township of Marlboro.
- E. Any ordinance of the Township of Marlboro providing for the laying out, opening, altering, widening, relocating, straightening, establishing, changing, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Township of Marlboro.
- F. Any ordinance or resolution of the Township of Marlboro appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township of Marlboro or other instruments or evidence of the township's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property of any lawful contract or obligation.
- H. The levy or imposition of taxes, assessments or charges.
- I. Any ordinance authorizing local improvements.
- J. The resolutions of the Council not in conflict or inconsistent with the provisions of this Code.
- K. Any provision of an ordinance or resolution of the Council of the township creating or fixing positions or offices and fixing duties therefor which are not provided for in the Code of the Township of Marlboro, Monmouth County, New Jersey, and which are not in conflict or inconsistent therewith.
- L. Any provision of an ordinance or resolution of the Council of the township fixing the compensation or salaries of township officials and employees or the pay and compensation of positions and clerical employments.
- M. Any ordinance or provision of any ordinance establishing or creating any office or position in the Township of Marlboro, or establishing or creating any fees or providing for the general fines or penalties.
- N. Any ordinance or resolution not of a general or permanent nature and not incorporated in the Code.
- O. Any ordinance regulating the operation or parking of motor vehicles in the Township of Marlboro.
- P. An ordinance relating to buildings unfit for human habitation adopted March 26, 1969.
- Q. An ordinance to establish a Police Department and providing for the regulation, control and management of a police force in the Township of Marlboro adopted June 14, 1962, as amended and supplemented.
- R. An ordinance establishing rules, regulations and standards for the subdivision of land in the Township of Marlboro adopted July 23, 1969 and included in the codification adopted December 28, 1961 as amended and supplemented.
- S. An ordinance regulating and licensing the establishment and operation of trailer coach parks in the Township of Marlboro adopted May 17, 1955, as amended and supplemented.

§ 1-7. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances of the Township of Marlboro for adoption and revision as part of the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Council of the Township of Marlboro that all such changes be adopted as part of the Code of the Township of Marlboro,

County of Monmouth, State of New Jersey, as if the ordinances so changed had been previously formally amended to read as such.

- B. In the course of the codification and revision of the ordinances of the Township of Marlboro, certain legally adopted ordinances have been revised and rearranged without any changes in the substantive provisions thereof being effected, and it is the intent of the Council of the Township of Marlboro that on and after the effective date of this ordinance such ordinances, as so revised and rearranged and as included in the chapters listed below, shall continue in full force and effect as chapters of the Code of the Township of Marlboro, and the Council of the Township of Marlboro hereby readopts such ordinances as chapters of the Code of the Township of Marlboro. Specific amendments to the provisions of these chapters will be further referred to in Subsection C of this section.
- Chapter 14. Township Clerk.
 - Chapter 35. Municipal Court.
 - Chapter 37. Municipal Utilities Authority.
 - Chapter 53. Alcoholic Beverages.
 - Chapter 61. Dogs and Dog Establishments.
 - Chapter 69. Health Nuisances (revised to include basic provisions of Public Health Nuisance Code of New Jersey).
 - Chapter 76. Peddling, Hawking, Canvassing and Soliciting.
 - Chapter 80. Publications, Prohibited.
 - Chapter 83. Refuse (revised to include basic provisions of Solid Waste Code of New Jersey).
 - Chapter 87. Sewer Connections.
 - Chapter 89. Soil Removal.
 - Chapter 91. Street Openings and Excavations.
 - Chapter 95. Swine (revised to include basic provisions of Maintenance Code of New Jersey).
 - Chapter 103. Water System Connections.

C. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance.

- (1) In Chapter 16, Council, § 16-5, providing for the agenda of meetings, and § 16-6, relating to citizen participation in meetings, are added herewith.
- (2) In Chapter 25, Fire Department and Fire Districts, § 25-2, designating the fire districts in the township, is added herewith on the basis of resolutions adopted November 8, 1962 and December 13, 1962.
- (3) In Chapter 35, Municipal Court, the following amendments are made:
 - (a) Section 35-2B is added to provide for the taking of an oath of office by the Judge of the Municipal Court.
 - (b) Section 35-4 is amended to provide for, in addition to a Clerk of the Court, other necessary clerical and other assistants to be provided for by resolution of the Council and to be appointed by the Council.
 - (c) Section 35-5 is amended to provide for the holding of the Court at such places within the township as are designated by resolution of the Council and to provide for the posting at the township offices of a notice of the location and times of the Court.
- (4) In Chapter 42, Planning Board, § 42-10, providing for appeals to the Township Council from decisions of the Planning Board, is added herewith.
- (5) In Chapter 50, Zoning Board of Adjustment, § 50-1C is amended to change the terms of alternate members from three (3) years to five (5) years.
- (6) In Chapter 53, Alcoholic Beverages, § 53-5, relating to the consumption of alcoholic beverages in vehicles and public places, and § 53-6, providing penalties for violations, are added herewith.
- (7) In Chapter 56, Building Construction, the following amendments are made:
 - (a) Section 56-1 is amended to provide for the adoption by reference of the BOCA Basic Building Code, 1970 edition.
 - (b) Section 56-2 is amended to provide that a violation will be punishable by a fine of not more than five hundred dollars (\$500.) or by imprisonment for a term of not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the

- Court having jurisdiction.
- (c) Section 56-43 is amended to correct the reference to the section of the BOCA Basic Building Code, 1970 edition, being amended.
- (8) In Chapter 61, Dogs and Dog Establishments, § 61-2A is amended to increase the registration tag fee to fifty cents (\$0.50) per year.
- (9) In Chapter 69, Health Nuisances, § 69-7 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).
- (10) In Chapter 78, Plumbing Standards, § 78-5 is amended to revise the penalty for a violation to a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.) for each offense.
- (11) In Chapter 83, Refuse, § 83-7 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).
- (12) In Chapter 86, Sewage Disposal Systems, Individual, § 86-11 is amended to revise the penalty for a violation to a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.) for each offense.
- (13) In Chapter 87, Sewer Connections, § 87-6 is added to provide for a fine not to exceed fifty dollars (\$50.) or for imprisonment not to exceed ten (10) days, or both, for each offense, and to provide for an additional fine of ten dollars (\$10.) per day for each day of delay after thirty (30) days of receipt of written notice to make connection to a public sewer line.
- (14) In Chapter 89, Soil Removal, the following amendments are made:
- (a) Section 89-8 is added to provide for appeals from ruling of the Division of Licenses and Permits to the Township Council.
- (b) Section 89-13 is added to provide for hours of operation of soil removal operations.
- (c) Section 89-14 is added to provide for the renewal of soil removal permits.
- (d) Section 89-15 is amended to increase the maximum fine for a violation to five hundred dollars (\$500.).
- (15) In Chapter 91, Street Openings and Excavations, the following amendments are made:
- (a) Section 91-5 is amended to require a permittee to provide an insurance policy for the benefit of the township.
- (b) Section 91-10A is amended to require fire hydrants to be kept unobstructed.
- (c) Section 91-18 is amended to increase the maximum fine for a violation to five hundred dollars (\$500.).
- (16) In Chapter 95, Swine, § 95-10 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).
- (17) In Chapter 103, Water System Connections, § 103-3 is amended to provide as an additional or alternative penalty for a violation a term of imprisonment not exceeding ten (10) days.
- (18) In Chapter 106, Zoning, § 106-20J is amended to change the maximum height of accessory buildings from forty (40) feet to fifteen (15) feet.

§ 1-8. Additions and amendments to Code.

Any and all additions, amendments or supplements to the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, when passed and adopted in such form as to indicate the intention of the Council for them to be a part thereof, shall be deemed to be incorporated into such Code, so that reference to "The Code of the Township of Marlboro, County of Monmouth, State of New Jersey" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code of the Township of Marlboro, County of Monmouth, State of New Jersey shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code as amendments and supplements thereto.

§ 1-9. Code Book to be kept up to date. It shall be the duty of the Township Clerk or someone authorized and directed by the Council to keep up to date the certified copy of the book containing the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, required to be filed in the office of the Township Clerk for the use of the public. All changes in said Code, and all ordinances adopted by the Council subsequent to July 3, 1971 which the Council shall adopt specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements

to said Code Book, at which time such supplements shall be inserted therein.

§ 1-10. Sale of Code Book; supplements provided.

Copies of the Code Book containing the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, may be purchased from the Clerk of the Township of Marlboro, upon the payment of a fee to be set by resolution of the Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 1-11. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-12. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-13. Captions of sections.

The captions of the several sections of the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, printed in bold-face type, are intended as mere catchwords to indicate the content of the sections and shall not be deemed or taken to be titles of such sections or as any part of such sections, nor shall they be deemed to be such when any of such sections, including the captions, are amended or reenacted unless expressly so provided in the amendment or reenactment.

§ 1-14. Ordinances covered by revision and codification.

Only general ordinances adopted by the Council of the Township of Marlboro are meant to be included in the revision and codification and not ordinances covering bond issues, finances, assessments, franchises, annexations and similarly specific ordinances which are limited in scope and application.

§ 1-15. General penalty provisions.

A. Whenever, in the revision and codification or in any other ordinance of the township, or rule, regulation or order promulgated by any officer or agency of the township under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provisions of the revision and codification or of any other ordinance of the township, or of any rule, regulation or order, as aforesaid, shall be punishable by a fine not exceeding five hundred dollars (\$500.) or by imprisonment in the county jail for a term not exceeding ninety (90) days, or be punishable by both such fine and imprisonment; provided, however, that where the penalty for any particular offense is limited by state statute, then such limitation shall be applicable to the provisions of the revision and codification and other ordinances of the township or rule, order or regulation, as aforesaid, notwithstanding the provisions of this section.

B. Each day any violation of the revision or codification or of any other ordinance of the township, or any rule, regulation or order, as aforesaid, shall continue, shall constitute a separate offense.

C. Whenever any such fine be imposed upon any corporation, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

§ 1-16. Altering or tampering with Code; penalties for violations.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion thereof, or to alter or tamper, with such Code in any manner whatsoever which will cause the law of the Township of Marlboro, County of Monmouth, State of New Jersey to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than five hundred dollars (\$500.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Judge imposing the same.

§ 1-17. Effective date of ordinance.

This ordinance shall take effect twenty days after the first publication thereof after final passage pursuant to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on July 8, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School on August 12, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(\$266.24) 7528

0044

JUDGMENTS

Milton Kosene - legal services
1968 as per judgment
6/27/71..... \$8,126.05

2. That said emergency appropriation shall be provided for in full in the 1972 budget.
3. That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S. 40A:4-48 and in accordance with the provision of N.J.S.40A:4-51.
4. That such note be executed by Martin Rotheim, Director of Finance and by Morton Salkind, Mayor.
5. That said note shall be dated August 1st, 1971 and may be renewed from time to time and such note and any renewals thereof shall be payable on or before December 31st, 1972.
6. That one certified copy of this resolution be filed with the Director of Local Finance."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #163-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township enter into the following contracts for the purchase of right-of-way for the widening of School Road West in connection with Bond Ordinance #13-70:

1. Contract with Ralph S. Van Note and Ruth E. Van Note, husband and wife, (Lot 13A, Block 58), in the amount of \$1,300.00.
2. Contract with Walter E. Holtz and Gladys J. Holtz, husband and wife, (Block 58, Lot 13) in the amount of \$1,320.00.
3. Contract with Pauline Allen (Lot 2, Block 81-1) in the amount of \$9,000.00.

BE IT FURTHER RESOLVED that the Mayor and the Clerk be and they are hereby authorized to execute the contracts on behalf of the Township upon approval of the contracts by the Township Attorney as to form."

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #164-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to defend the Township of Marlboro against a Civil Action brought in the Superior Court of New Jersey, Law Division, Monmouth County, Docket No. L-31207-70 P.W. by Victor P. DiLeo and George Nesler."

Seconded by Councilman Czerny.

Discussion: The Mayor asked that the resolution be amended to provide separate defense for the Mayor. Mr. Grabler said there would be a motion made to the Court to have the Mayor and Council dropped from this suit as they are not necessary parties to this action, and also to consolidate this suit with the other zoning suits.

A discussion followed during which the Mayor asked Attorney Grabler if he, (as Mayor), was entitled to defense on the two suits (the DiLeo suit and the prerogative writ suit brought against him by Mr. Minogue which was returnable the next morning). Mr. Grabler replied that with respect to the prerogative writ suit tomorrow morning it is his opinion that it is within the discretion of the Council, and regarding the DiLeo matter, Mr. Grabler said it would appear to him that the practical way is to await the motion to have the case dismissed and if that motion is not dismissed from the suit at that point to take it up with Council to see if he should have private counsel. Mr. Grabler said if the Township Attorney is authorized to defend the DiLeo suit, he will make the motion to dismiss as defendants both the Mayor and Council as they are not necessary parties to this suit. The Mayor asked the Clerk to provide him with a copy of Mr. Grabler's reply to his questions the first thing next morning.

The resolution was thereafter adopted unanimously on a roll call vote by those present.

Following the adoption of Resolution #164-71, Councilman Grossman moved that the Council of the Township of Marlboro provide independent counsel for the Mayor and Finance Director in the litigation brought against them and that a final voucher be submitted to the Township and that if said voucher is reasonable said voucher will be paid by the Township of Marlboro.

The motion died for lack of a second. The Mayor asked the Clerk for a certified copy of Councilman Grossman's motion.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #165-71

"WHEREAS, on July 6, 1971 the Business Administrator and Township Engineer received bids for the Repaving of School Road West from Wyncrest to Levitt Project, and have reported that Manzo Contracting Co. Inc. was the low bidder for said project; now, therefore,

BE IT RESOLVED by the Council of the Township of Marlboro that a contract be awarded to Manzo Contracting Co. Inc. for the repaving of School Road West from Wyncrest to Levitt in the amount of \$9,885.00 with the understanding that the cost of all necessary testing of core samples should be deducted from the amount due the contractor.

BE IT FURTHER RESOLVED that the Mayor and the Clerk be and they are hereby authorized to execute a contract with Manzo Contracting Co. Inc. pursuant to said bid and that upon execution of said contract and the furnishing of a bond that certified checks of other bidders be returned."

Seconded by Councilman Williams. Discussion: Acting Council Pres. Herman suggested Council table action on this resolution until receipt of the core sample tests of Manzo's work on the road bonding Ordinance #13-70. Following discussion by Mayor, Council and Mr. Grabler regarding the need for this project and Council's legal responsibility, Pres. Herman's suggestion died for lack of a second and the resolution as offered was adopted unanimously on a rollcall vote.

Councilman Williams offered Resolution #166-71, the bill paying resolution, copy of which is attached hereto. ^{Exhibit "D"} Seconded by Councilman Grossman and adopted on the following roll call vote: Ayes: Councilmen Grossman, Williams, Herman. Abstain: Czerny. Absent: McLaughlin.

The Chair called a five minute recess at this point in the meeting. The meeting was called to order at 10:40 P.M. at which time Councilman Williams offered a motion to table action on Ordinance #12-71 (Lloyd Road) until August 12, 1971 council meeting.

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and Official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Leon S. Avakian, Inc.	Tax Maps	\$ 170.00	
	Retainer, May	300.00	
	Insp. Holiday, Apr.	130.60	
	Insp. U.S. Home, Apr.	2084.40	
	Insp. Levitt, Apr & May	431.30	
	Insp. Holiday, May	141.40	
	Insp. U.S. Home, May	1877.30	
	Road Maint. Project	623.05	5,758.05
Edward Fleisher	Retainer, Plan. Bd., May		200.00
Security-Columbian Banknote	Bond Ord. # 13-70		485.48
N.J. Natural Gas Co.	# 4978, 5/19-6/17	3.48	
	# 4990, 5/19-6/17	2.48	6.96
Jersey Central Power & Light	Street Lighting, June		2,580.90
Albert C. Jones Assoc.	Fire District Map Prints		5.00
Mon. Cnty. Municipal Assoc	Annual Dues		40.00
Mildred Ackerman	Filing Fee, Sewerage Auth.		5.00
Mrs. Alyce Lathrop	Battle of Mon. Parade		200.00
Petty Cash-Stan Bauman	Petty Cash Account		50.00
General GMC Sales, Inc.	Recond. Truck	229.00	
	Pan for Truck	3.15	232.15
Monmouth-Ocean Dev. Council	Membership, Bus. Admin.		50.00
Int. City Management Assoc.	Mun. Year Book		17.50
American Ins. Assoc.	Fire Prevention Code Book		10.00
Edward Usher Co.	Books, "Improve Assess. Search"		14.18
Asbury Park Press, Inc.	Legal Advertising		596.75

Exhibit D

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Mat-Key Press, Inc.	Envelopes	116.50	332.50
	Complaint forms	182.00	
	Name Cards	34.00	
State Shorthand Reporting	Levitt Investigation		40.00
A & A Coffee Service	Coffee Kit		24.00
Lester Heulitt	Burglary Policy	40.00	40.00
Walter Heath Company	Red Lens	12.66	660.54
	Bracket Pads	7.88	
	Resuscitators	580.00	
	Red Fuses	60.00	
Oxford Chemicals	Dehydrol Aerosol		73.40
Imperial Oil Co.	Oil Drums (Lubr.)		48.40
Millers Stag Shop	Uniforms		33.42
Tri-County Distributor	Chin Rags		39.52
Shore Tractor Company	Pintle Hook	33.40	41.90
	Socket & Plug	8.50	
Tom's Ford Inc.	Hor n Ring	.53	.53
Zep Manufacturing Company	Weed Killef		298.96
International Salt Co.	Ice Control		836.00
The Freehold Transcript	Rabies Clinic		47.04
Central Jersey Lithography	Summer Rec. folders	37.80	1133.80
	Summer Rec. Brochures	96.00	
Harry Frank- Printer	Posters		19.95
Assoc. Sterling Films	Movies, Rec.		62.45
Colonial News	Ad, May		6.30
Marlboro Twmship Bd. of Ed.	School Clean-up, Rec.		265.19
Perry's Trophy	Recreation	17.20	103.80
	Recreation	86.60	
Paul-Mark Printing	Rabies Clinic Cards		36.00
Colonial News	Rabies Clinic		66.00
Total			13,463.67

Offered by: *Williams*

Ayes: *3*

Seconded by: *Grossman*

Abstain: *Czyz*

Nays: *0*

Absent: *Mr Saugher*

The above Resolution was adopted this 8th day of July, 1971.

Mildred F. Ackerman
MILDRED F. ACKERMAN, CLERK

Richard A. Herman
~~John Holmquist~~, COUNCIL PRES.
RICHARD A. HERMAN,
Acting Council President

Motion seconded by Councilman Czerny and carried unanimously on a roll call vote by those present.

Councilman Czerny offered a motion that Council reimburse Mayor Salkind and Mr. Rotheim for legal defense in connection with the suit brought in lieu of mandamus if the Court rules that the suit was brought without sufficient justification. Motion seconded by Councilman Williams. Following discussion on what constituted "justification", the type of suit at hand and the possible questions of law, Councilman Williams withdrew his second and Councilman Czerny withdrew her motion.

MAYOR'S REPORT:

The Mayor reported on the reassessment and said the real property value for the 1969 tax year stands at \$74,600,000.00 and will adjust to \$99,800,000.00. He said total property including everything is \$79,574,799 at present and will change to \$106,383,420.00 which would mean an increase of approximately \$26,000,000.00. He stressed these figures are estimates.

The Mayor spoke about the water problem in Whittier Oaks saying he had met with the officials of the Central Jersey Water Co. and asked them to install a booster pump in the west side of Route 9 in the Whittier Oaks area and they agreed to do so the next day.

Mayor Salkind announced he was re-establishing the M.U.S.T. (Municipal Utilities Study Team) with Councilman Grossman as chairman. He named Mr. Barry Wolk, Walter Grubb, Leonard Gross and Council Pres. McLaughlin to the study team. After establishing guidelines for the committee he requested a report in 120 days in writing.

Reported that according to data from the Police Dept. the following were the most dangerous roads in town: Union Hill Road with 14 reportable accidents in the last 2 years; Texas Road with 11 accidents; Pleasant Valley Road with 7 accidents, Lloyd Road with 8 accidents and Ryan Road with 7 accidents. The Mayor said he would make the full report on the entire township available to every member of Council.

Noted receipt of letter from Plant Manager of Hercules Corp. thanking the Fire Companies for their efforts in the June 24th fire.

0051

Acknowledged receipt of the following reports: Police Division, Road Department, Plumbing Inspector and Welfare Board.

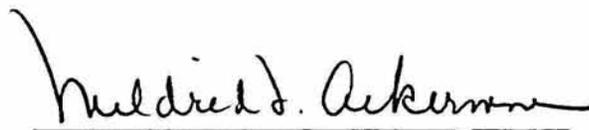
The Mayor then spoke regarding the lawsuit involving him and the Director of Finance and the Township Attorney.

PUBLIC SESSION:

Following a public session lasting almost one hour, Councilman Grossman moved that the meeting be adjourned. Motion seconded by Councilman Williams and carried unanimously on a roll call vote.

The meeting adjourned at 12:40 A.M.

RICHARD A. HERMAN,
Acting Council President


MILDRED F. ACKERMAN, Clerk

Minutes approved: 10/18/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - AUGUST 12, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President John J. McLaughlin at 8:12 P.M. on Thursday, August 12, 1971 at the Marlboro Elementary School, School Road West, Marlboro. Councilman Grossman offered a moment of silence, followed by the Salute to our Flag.

ROLL CALL: Present: Councilmen Czerny, Grossman, Williams Herman and McLaughlin.

Also present were James R. Minogue, Township Attorney, Township Engineer Leon S. Avakian, Mayor Morton Salkind and Clerk Mildred F. Ackerman.

Council President McLaughlin reviewed the agenda.

PUBLIC HEARING: Ordinance #4-71 (as amended) AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS (Copy of Ordinance is attached hereto as Exhibit "A")

Reprints of the Ordinance were available to the public and the Chair opened the hearing to the public.

Mayor Salkind requested the Township Attorney to explain the change in this ordinance from the original ordinance. Mr. Minogue explained the following sentence had been added to Section 4A of the new ordinance introduced tonight: "No permit shall be required for the installation of wells used for the purpose of irrigation of a residential property."

As no one wished to speak on the ordinance the Chair closed the public hearing.

This is A Reprint of The Asbury Park Press

ORDINANCE 4-71 (Amended)
AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey: **SECTION 1.** A code regulating the location, construction, alteration, use and supervision of individual and semi-public water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for violations is hereby adopted pursuant to Chapter 153, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

SECTION 2. The said code established and adopted by this Ordinance is described and commonly known as the Individual and Semipublic Water Supply Code of New Jersey (1966) as approved by the State Department of Health, July 1, 1966.

SECTION 2 (a). Section 9.1 of the Individual and Semi-Public Water Supply Code of New Jersey (1966) be and the same is hereby amended to read as follows:

9.1 Licenses or Permits

Water Supplies shall not be located, constructed or altered until the administrative authority or its authorized agent has issued a license or permit for such location, construction or alteration except that emergency repairs may be made provided that an application for a permit is made within 5 days after the completion of said emergency repairs.

SECTION 3. Three copies of the said Individual and Semipublic Water Supply Code of New Jersey (1966) have been placed on file in the office of the Director of the Division of Health upon the introduction of this ordinance and will remain on file in said office for the use and examination by the public. All references in said Code to board of health shall mean and include the Division of Health in the Department of Administration.

SECTION 4 (a). No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of said water supply shall have been issued by the Division of Health. No permit shall be required for the installation of wells used for the purpose of irrigation of a residential property.

(b) The Division of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the water supply as proposed is in compliance with the code.

SECTION 5 (a). New water supplies shall not be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied, which must rely on such a supply for water, until the Division of Health shall have issued a certificate indicating that the said water supply has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificate shall not be required for alteration to an existing water supply.

(b) The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing signed by him to the Division of Health that the said water supply has been located and constructed in accordance with the terms of the permit

and the requirements of the aforesaid code.

SECTION 6. In case any permit or certification required by this ordinance is denied by the Division of Health, a hearing shall be held thereon before the Director within fifteen (15) days after request therefor is made by the applicant and upon such hearing the Division of Health shall affirm, alter or rescind its previous determination and take action accordingly within fifteen (15) days after the date of such hearing.

SECTION 7. The Division of Health may order all further work in and about any water supply, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such water supply, or any part thereof, no further work shall be done thereon except as aforesaid.

SECTION 8. The following fees and charges are herewith established:

(a) For the filing of an application and plans for a permit to locate and construct a water supply Twenty-five Dollars.

(b) For the filing of an application and plans for a permit to alter an existing water supply Fifteen Dollars.

(c) For the issuance of a permit to locate and construct or alter a water supply Five Dollars.

(d) For each reinspection of a water supply, or part thereof, caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, an inspection fee of Ten Dollars shall be charged.

SECTION 9 (a). Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this Ordinance or Individual and Semipublic Water Supply Code of New Jersey (1966) made a part hereof shall, upon conviction thereof, pay a penalty of not less than Five Dollars nor more than Five Hundred Dollars for each violation.

(b) Each day a particular violation continues shall constitute a separate offense.

SECTION 10. All ordinances, codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 11. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

SECTION 12. This ordinance and the code herein established shall take effect 30 days after the first publication of the Ordinance in accordance with the provisions of R.S. 26:3-69.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on July 8, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School, School Road West, Marlboro Township, on August 12, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
 (\$71.68) 7829

Councilman Grossman offered the following Resolution and urged its adoption:

RESOLUTION #167-71

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

ORDINANCE #4-71 (as amended)

AN ORDINANCE ESTABLISHING A CODE REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, USE AND SUPERVISION OF INDIVIDUAL AND SEMIPUBLIC WATER SUPPLIES, REQUIRING CERTAIN PERMITS, PROVIDING FOR THE INSPECTION OF SUCH SUPPLIES, THE FIXING OF FEES AND PRESCRIBING PENALTIES FOR VIOLATIONS

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

The Mayor said he would sign the ordinance during the meeting.

PUBLIC HEARING: Ordinance#14-71 AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT CONTAINED THEREIN
(Copy of Ordinance is attached hereto as Exhibit "B")

Reprints of the ordinance were available to the public.

Township Attorney James R. Minogue explained the ordinance and the work that had been done by the codification firm, General Code Publishers Corp., in the preparation of the codification and enumerated several of the changes that had been made.

The Chair opened the meeting to the public.

August 12, 1971

**Ordinance #14-71
AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT CONTAINED THEREIN.**

WHEREAS, the Council of the Township of Marlboro, County of Monmouth, New Jersey, has heretofore determined that it is in the public interest to undertake the codification and revision of the general ordinances of the Township of Marlboro; and

WHEREAS, pursuant to said determination, it has caused its ordinances of a general and permanent nature to be compiled and revised, and the same embodied in a revision and codification known as the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey"; and

WHEREAS, pursuant to N.J.S.A. 40:49-4, the governing bodies of municipalities may provide for the revision and codification of their ordinances; and

WHEREAS, the enactment of this ordinance, providing for the codification of the ordinances of a general and permanent nature, will promote the general welfare of the Township of Marlboro and its citizens;

Now, therefore, be it ordained by the Council of the Township of Marlboro, County of Monmouth and State of New Jersey as follows:

§ 1-1. Adoption of Code.

A. Pursuant to N.J.S.A. 40:49-4, there is hereby adopted by Council of the Township of Marlboro a revision and codification of its ordinances known as "The Code of the Township of Marlboro, County of Monmouth and State of New Jersey," of which not less than one (1) copy has been made and is now filed in the office of the Clerk of the township, and the same is hereby adopted and incorporated as fully as if set out herein, and, from the date this ordinance shall take effect, the provisions shall be controlling.

B. The copy of the revision and codification of the ordinances of the Township of Marlboro above referred to as being filed in the office of the Clerk of the township shall remain in said office for the use and examination of the public until final action is taken upon this ordinance and thereafter while the same shall be in effect.

§ 1-2. Provisions considered as continuations of existing ordinances; proviso.

The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, shall be considered continuations of such ordinances and not new enactments; provided, however that in the event of any conflict between the provisions of this Code and the provisions of a heretofore existing ordinance, the wording of the provisions as contained in this Code shall, from and after the effective date of this ordinance, be controlling.

§ 1-3. When effective.

All provisions of the Code of the Township of Marlboro, County of Monmouth and State of New Jersey shall be in full force and effect on and after the effective date of this ordinance.

§ 1-4. Definitions.

A. Terms used in this Code, unless otherwise specifically defined, have the meanings prescribed by the Revised Statutes of New Jersey for the same terms.

B. Terms used in this Code have the following meanings:

CHARTER — The Mayor-Council Plan E, Article 7 of the Optional Municipal Charter Law (N.J.S.A. 40:69 A-1 et seq.) as amended.
COUNTY — County of Monmouth.
DEPARTMENT — An organizational unit of the government established or designated as a department.

GENERAL LAWS — Any law or provision of law of the State of New Jersey not inconsistent with the aforesaid Optional Municipal Charter Law, heretofore or hereafter enacted, which is by its terms applicable or available to all municipalities and the following additional laws, whether or not such additional laws are so applicable or available to all municipalities, legislation relating to taxation, local courts, education, health, public authorities serving more than one municipality and municipalities in unsound financial condition.

ORDINANCES — The ordinances of the Township of Marlboro and all amendments thereto.

PERSON — Any natural individual, firm, trust, partnership, association or corporation. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof, and, as applied to corporations, includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE — State of New Jersey.
TOWNSHIP — The Township of Marlboro, in the County of Monmouth and State of New Jersey.
TOWNSHIP COUNCIL OR COUNCIL — The Governing Body of the Township of Marlboro.

§ 1-5. Repeal of certain ordinances.

All ordinances of a general and permanent nature adopted prior to July 8, 1971, and not contained in the Code of the Township of Marlboro, Monmouth County, New Jersey, are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in § 1-6, and excepting all ordinances of a general and permanent nature adopted on and after July 8, 1971, which such ordinances shall be included in this Code as replacement pages as a part of the Code.

§ 1-6. Ordinances saved from repeal; matters not affected by repeal.
The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provisions of the Township of Marlboro prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township of Marlboro, or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Township of Marlboro.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township of Marlboro.
- E. Any ordinance of the Township of Marlboro providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Township of Marlboro.
- F. Any ordinance or resolution of the Township of Marlboro appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township of Marlboro or other instruments or evidence of the township's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property of any lawful contract or obligation.
- H. The levy or imposition of taxes, assessments or charges.
- I. Any ordinance authorizing local improvements.
- J. The resolutions of the Council not in conflict or inconsistent with the provisions of this Code.
- K. Any provision of an ordinance or resolution of the Council of the township creating employments, positions or offices and fixing duties therefor which are not provided for in the Code of the Township of Marlboro, Monmouth County, New Jersey, and which are not in conflict or inconsistent therewith.
- L. Any provision of an ordinance or resolution of the Council of the township fixing the compensation or salaries of township officials and employees or the pay and compensation of positions and clerical employments.
- M. Any ordinance or provision of any ordinance establishing or creating any office or position in the Township of Marlboro, or establishing or creating any fees or providing for the general fines or penalties.
- N. Any ordinance or resolution not of a general or permanent nature and not incorporated in the Code.
- O. Any ordinance regulating the operation or parking of motor vehicles in the Township of Marlboro.
- P. An ordinance relating to buildings unit for human habitation adopted March 26, 1959.
- Q. An ordinance establishing a Police Department and providing for the regulation, control and management of a police force in the Township of Marlboro adopted June 14, 1962, as amended and supplemented.
- R. An ordinance establishing rules, regulations and standards for the subdivision of land in the Township of Marlboro adopted July 23, 1959 and included in the codification adopted December 28, 1961 as amended and supplemented.
- S. An ordinance regulating and licensing the establishment and operation of trailer coach parks in the Township of Marlboro adopted May 17, 1965, as amended and supplemented.

§ 1-7. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances of the Township of Marlboro for adoption and revision as part of the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Council of the Township of Marlboro that all such changes be adopted as part of the Code of the Township of Marlboro.

County of Monmouth, State of New Jersey, as if the ordinances so changed had been previously formally amended to read as such.

B. In the course of the codification and revision of the ordinances of the Township of Marlboro, certain legally adopted ordinances have been revised and rearranged without any changes in the substantive provisions thereof being effected, and it is the intent of the Council of the Township of Marlboro that on and after the effective date of this ordinance such ordinances, as so revised and rearranged and as included in the chapters listed below, shall continue in full force and effect as chapters of the Code of the Township of Marlboro, and the Council of the Township of Marlboro hereby readopts such ordinances as chapters of the Code of the Township of Marlboro. Specific amendments to the provisions of these chapters will be further referred to in Subsection C of this section:

- Chapter 14. Township Clerk.
- Chapter 35. Municipal Court.
- Chapter 37. Municipal Utilities Authority.
- Chapter 53. Alcoholic Beverages.
- Chapter 61. Dogs and Dog Establishments.
- Chapter 69. Health Nuisances (revised to include basic provisions of Public Health Nuisance Code of New Jersey).
- Chapter 76. Peddling, Hawking, Canvassing and Soliciting.
- Chapter 80. Publications, Prohibited.
- Chapter 83. Refuse (revised to include basic provisions of Solid Waste Code of New Jersey).
- Chapter 87. Sewer Connections.
- Chapter 89. Soil Removal.
- Chapter 91. Street Openings and Excavations.
- Chapter 95. Swine (revised to include basic provisions of Maintenance of Swine Code of New Jersey).
- Chapter 103. Water System Connections.

C. In addition, the following changes, amendments or revisions are made herewith to become effective upon the effective date of this ordinance.

- (1) In Chapter 16, Council § 16-5, providing for the agenda of meetings, and § 16-6, relating to citizen participation in meetings, are added herewith.
- (2) In Chapter 25, Fire Department and Fire Districts, § 25-2, designating the fire districts in the township, is added herewith on the basis of resolutions adopted November 8, 1962 and December 13, 1962.
- (3) In Chapter 35, Municipal Court, the following amendments are made:
 - (a) Section 35-2B is added to provide for the taking of an oath of office by the Judge of the Municipal Court.
 - (b) Section 35-4 is amended to provide for, in addition to a Clerk of the Court, other necessary clerical and other assistants to be provided for by resolution of the Council and to be appointed by the Council.
 - (c) Section 35-5 is amended to provide for the holding of the Court at such places within the township as are designated by resolution of the Council and to provide for the posting of a notice of the location and times of the Court.
- (4) In Chapter 42, Planning Board, § 42-10, providing for appeals to the Township Council from decisions of the Planning Board, is added herewith.
- (5) In Chapter 50, Zoning Board of Adjustment, § 50-1C is amended to change the terms of alternate members from three (3) years to five (5) years.
- (6) In Chapter 53, Alcoholic Beverages, § 53-5, relating to the consumption of alcoholic beverages in vehicles and public places, and § 53-6, providing penalties for violations, are added herewith.
- (7) In Chapter 56, Building Construction, the following amendments are made:
 - (a) Section 56-1 is amended to provide for the adoption by reference of the BOCA Basic Building Code, 1970 edition.
 - (b) Section 56-2B is amended to provide that a violation will be punishable by a fine of not more than five hundred dollars (\$500.) or by imprisonment for a term of not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the

Court having jurisdiction.
(c) Section 56-45 is amended to correct the reference to the section of the BOCA Basic Building Code, 1970 edition, being amended.

(8) In Chapter 61, Dogs and Dog Establishments, § 61-2A is amended to increase the registration tag fee to fifty cents (\$0.50) per year.

(9) In Chapter 69, Health Nuisances, § 69-7 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).

(10) In Chapter 70, Plumbing Standards, § 70-5 is amended to revise the penalty for a violation to a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.) for each offense.

(11) In Chapter 83, Refuse, § 83-7 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).

(12) In Chapter 86, Sewage Disposal Systems, Individual, § 86-11 is amended to revise the penalty for a violation to a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.) for each offense.

(13) In Chapter 87, Sewer Connections, § 87-6 is added to provide for a fine not to exceed fifty dollars (\$50.) or for imprisonment not to exceed ten (10) days, or both, for each offense, and to provide for an additional fine of ten dollars (\$10.) per day for each day of delay after thirty (30) days of receipt of written notice to make connection to a public sewer line.

(14) In Chapter 89, Soil Removal, the following amendments are made:

(a) Section 89-8 is added to provide for appeals from ruling of the Division of Licenses and Permits to the Township Council.

(b) Section 89-13 is added to provide for hours of operation of soil removal operations.

(c) Section 89-14 is added to provide for the renewal of soil removal permits.

(d) Section 89-15 is amended to increase the maximum fine for a violation to five hundred dollars (\$500.).

(15) In Chapter 91, Street Openings and Excavations, the following amendments are made:

(a) Section 91-5 is amended to require a permittee to provide an insurance policy for the benefit of the township.

(b) Section 91-10A is amended to require fire hydrants to be kept unobstructed.

(c) Section 91-18 is amended to increase the maximum fine for a violation to five hundred dollars (\$500.).

(16) In Chapter 96, Swine, § 96-10 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).

(17) In Chapter 103, Water System Connections, § 103-3 is amended to provide as an additional or alternative penalty for a violation a term of imprisonment not exceeding ten (10) days.

(18) In Chapter 106, Zoning, § 106-20.1 is amended to change the maximum height of accessory buildings from forty (40) feet to fifteen (15) feet.

§ 1-8. Additions and amendments to Code.

Any and all additions, amendments or supplements to the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, when passed and adopted in such form as to indicate the intention of the Council for them to be a part thereof, shall be deemed to be incorporated into such Code, so that reference to "The Code of the Township of Marlboro, County of Monmouth, State of New Jersey" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code of the Township of Marlboro, County of Monmouth, State of New Jersey shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code as amendments and supplements thereto.

§ 1-9. Code Book to be kept up to date. It shall be the duty of the Township Clerk or someone authorized and directed by the Council to keep up to date the certified copy of the book containing the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, required to be filed in the office of the public. All changes in said Code, and all ordinances adopted by the Council subsequent to July 8, 1971 which the Council shall adopt specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supple-

ments to said Code Book, at which time such supplements shall be inserted therein.

§ 1-10. Sale of Code Book; supplements provided.

Copies of the Code Book containing the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, may be purchased from the Clerk of the Township of Marlboro, upon the payment of a fee to be set by resolution of the Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 1-11. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-12. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-13. Captions of sections.

The captions of the several sections of the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, printed in bold-face type, are intended as mere catchwords to indicate the content of the sections and shall not be deemed or taken to be titles of such sections or as any part of such sections, nor shall they be deemed to be such when any of such sections, including the captions, are amended or reenacted unless expressly so provided in the amendment or reenactment.

§ 1-14. Ordinances covered by revision and codification.

Only general ordinances adopted by the Council of the Township of Marlboro are meant to be included in the revision and codification and not ordinances covering bond issues, finances, assessments, franchises, annexations and similarly specific ordinances which are limited in scope and application.

§ 1-15. General penalty provisions.

A. Whenever, in the revision and codification or in any other ordinance of the township, or rule, regulation or order promulgated by any officer or agency of the township under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provisions of the revision and codification or of any other ordinance of the township, or of any rule, regulation or order, as aforesaid, shall be punishable by a fine not exceeding five hundred dollars (\$500.) or by imprisonment in the county jail for a term not exceeding ninety (90) days, or be punishable by both such fine and imprisonment; provided, however, that where the penalty for any particular offense is limited by state statute, then such limitation shall be applicable to the provisions of the revision and codification and other ordinances of the township or rule, order or regulation, as aforesaid, notwithstanding the provisions of this section.

B. Each day any violation of the revision or codification or of any other ordinance of the township, or any rule, regulation or order, as aforesaid, shall continue, shall constitute a separate offense.

C. Whenever any such fine be imposed upon any corporation, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

§ 1-16. Altering or tampering with Code; penalties for violations.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Marlboro, County of Monmouth, State of New Jersey to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than five hundred dollars (\$500.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Judge imposing the same.

§ 1-17. Effective date of ordinance.

This ordinance shall take effect twenty days after the first publication thereof after final passage pursuant to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on July 8, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School on August 12, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(\$266.24) 7823

Mr. Robert French, 26 Jacata Road, Marlboro asked who decided as to whether there were any substantive changes, what should be changed and whether all the members on Council were aware of the changes.

Council President McLaughlin said Council had several sessions with the codification firm and over the course of the year all members of Council had an opportunity to review the finished product but the groundwork had been done by several Councilmen to facilitate the work.

Councilman Grossman said all members were not in on the changes but that all members did sit down with the codification people after the rough draft (blue book) was distributed. He said he did not know all the changes and that the two Council members (Brodniak and McCracken) who had worked on the codification were no longer on Council.

Councilman Williams said he had reviewed some of the changes but not all, would not vote on the codification this meeting and wanted to hear what the people had to say.

Councilman Grossman said he would not vote on the ordinance tonight either.

Councilman Herman said he had reviewed the codification but had requested a copy of the administrative study being conducted on the codification from the Mayor and had not received same. The Mayor said he had just received a copy of the notes from two members of his staff who had worked on the codification this past month which he would make available to each member of Council within several days. He said he objected to many things and there were several places where additions, errors and deletions have occurred and said Council should study it further without rushing.

Jerome Perelson, Girard Street, Marlboro said he did not know ^{how} the public could be expected to comment intelligently on the ordinance when the Council did not know it themselves.

Mr. Ron Gerber, 7 River Drive, Marlboro said he was in accord with the suggestion the public hearing was futile.

Mr. Howard Udell, Ottawa Road, Morganville questioned Chapter 16, Section 16-6 and asked what change it would effect on the rights of the public to participate in a Council meeting.

Township Attorney James R. Minogue said the Council had the right to extend the ten minute period to speak if they wished to do so by a majority vote. The Mayor said he could see no reason why this particular section was necessary.

The Chair declared a recess at this point in the meeting. The meeting was called to order at 9:10 PM by Council President McLaughlin who said the recess had been called to discuss the continuation of the hearing and that Council wished to continue same to the first meeting in September.

Mrs. Sheila Gross said she was involved in the study of the codification and had found many errors of major proportion and asked why in Chapter 42 regarding the Planning Board the sentence "no member of the Planning Board will be permitted to act on any matter in which he has either directly or indirectly any personal financial interest" was missing from the codification. Mr. Minogue replied because this is covered by a similar provision in the Chapter on Ethics which covers all Township employees and also because the actions of the Planning Board members regarding conflict of interest is covered by State law in the Planning Act.

Councilman Grossman said he would like to know word for word every single change in this ordinance and asked Mr. Minogue to provide him with same.

The Mayor spoke again of the report and said every Council member would have a copy of the complete report prior to the agenda session before the first September meeting.

The Chair said it would entertain a motion to continue the public hearing until the first meeting in September. So moved by Councilman Grossman, seconded by Councilman Herman and carried unanimously.

UNFINISHED BUSINESS:

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #169-71

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

Ordinance #12-71

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LANDS AND THE CONSTRUCTION OF VARIOUS ROAD IMPROVE-

0058

MENTS IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$490,000 FOR SUCH PURPOSES AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Czerny.

DISCUSSION: Council President McLaughlin introduced Township Engineer Leon S. Avakian to the public. Councilman Grossman objected to the capital expenditure and said Council should set priorities before authorizing this project which might preclude other priorities. He asked Councilman Czerny if she felt she should vote on the project when she had indicated to Council she intended to leave Marlboro Township in a short time.

Councilman Czerny said Council had discussed priorities and that her interest in Marlboro had never been greater than it is right now. She said she did not feel that her not voting would do anything to improve or harm the Township, that if she thought that she would not vote for it.

Councilman Williams said Federal, State and County funds would aid the project and that the Municipal Utilities Authority would repay the cost of water and sewer lines. He said this project was very important for the growth of the town.

The Mayor spoke against the ordinance saying Council has not set priorities and was spending too much money. He spoke of meeting with the Monmouth County Board of Freeholders, that the \$105,000 state aid was due Marlboro for Route 520 and that the people of Lloyd Road were opposed to making the road a speedway. He said although the Township needed recreation sites this should not be a part of this project and the drainage and paving should not cost this much money. He asked Council to table action on the ordinance at this time.

Township Engineer Leon Avakian reported on the engineering work that had been completed on Lloyd Road and also on the progress of engineering work on Route 520. Mr. Avakian gave a breakdown of funds available for the Lloyd Road project and said the actual cost to the Township would be approximately \$120,000. The Mayor again asked Council to table action on the ordinance.

The resolution was thereafter adopted on the following roll call vote: Ayes: Councilmen Czerny, Herman, Williams and McLaughlin.

Nays: Councilman Grossman

**Ordinance #12-71
AN ORDINANCE AUTHORIZING THE
ACQUISITION OF CERTAIN LANDS
AND THE CONSTRUCTION OF VARIOUS
ROAD IMPROVEMENTS IN AND
FOR THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH,
NEW JERSEY, APPROPRIATING \$490,
000 FOR SUCH PURPOSES AND
AUTHORIZING THE ISSUANCE OF
\$465,000 BONDS OR NOTES TO
FINANCE PART OF THE COST
THEREOF.**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

Section 1. That pursuant to the applicable statutes of the State of New Jersey there is hereby authorized the construction or acquisition of the following described general improvements in the Township of Marlboro:

IMPROVEMENT — ESTIMATED MAXIMUM AMOUNT TO BE RAISED FROM ALL SOURCES FOR EACH PURPOSE

- A. The reconstruction of Lloyd Road from State Highway Route 79 to the Matawan Township line, a distance of .583 miles including but not limited to a bridge, a 36 foot wide pavement, culverts, curbing and water and sanitary sewer mains, **\$424,000.00**
- B. The acquisition by purchase or condemnation of an easement or a fee simple in a portion of premises known as Block 3, Lot 1 on the Official Tax Map of the Township of Marlboro consisting of a triangular shaped parcel measuring approximately 1,300 square feet more or less. **\$1,000.00**
- C. The acquisition by purchase or condemnation of an entire parcel of land known as Block 26, Lot 23, on the Official Tax Map of the Township of Marlboro consisting of approximately 13.96 acres of vacant land. **\$65,000.00**

together with, in each case, all other purposes necessary, appurtenant or incidental thereto, and, substantially in accordance with the plans and specifications therefor prepared by Leon S. Avakian, Inc., Township Engineer, and filed with and approved by this Council.

Section 2. It is hereby found, determined and declared by this Council as follows:

A. That an appropriation was contained in a budget or budgets of the Township heretofore adopted under the caption "Down Payment Fund" or "Capital Improvement Fund"; that there is now available in said appropriation the sum of \$25,000 which said sum is hereby appropriated as a down payment for the purposes described in Section 1 hereof.

B. That the estimated maximum amount of money to be raised from all sources for the purposes stated in Section 1 hereof is \$490,000.

C. That the estimated amount of the cost of said improvement to be contributed by the State of New Jersey is \$195,000.

D. That the estimated amount of the cost of said improvement to be contributed by the County of Monmouth is \$100,000.

E. That the estimated amount of the cost of said improvement to be contributed by the Township of Marlboro is \$220,000.

F. That the Township of Marlboro will make applications to the United States of America under the Federal Open Spaces program and to the State of New Jersey under the State Green Acres program to finance part of project described herein in Subsection 1(C) and the estimated total aggregate amount to be contributed by the State of New Jersey and the United States of America is \$65,000.

Section 3. That the sum of \$490,000, including said down payment, and the sums to be received from the United States of America, the State of New Jersey and the County of Monmouth be and the same is hereby appropriated for the purposes stated in Section 1 hereof.

Section 4. That there is hereby authorized the issuance of negotiable serial bonds of the Township of Marlboro, in the County of Monmouth, New Jersey, in an aggregate principal amount of not exceeding Four Hundred Sixty Five Thousand Dollars (\$465,000) for the purpose of financing the cost of the improvements and properties described in Section 1 hereof, exclusive of said down payment, pursuant to the Local Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey. The form, maturities, rate or rates of

interest, method of sale and other details of said bonds shall be determined by subsequent resolution adopted pursuant to law.

Section 5. That pending the issuance of the serial bonds authorized in Section 4 hereof there is hereby authorized the issuance of bond anticipation notes of the Township of Marlboro, in the County of Monmouth, New Jersey, in an aggregate principal amount of not exceeding Four Hundred Sixty Five Thousand Dollars (\$465,000) pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey. The form, maturities, rate or rates of interest, method of sale and other details of said notes shall be determined by subsequent resolution adopted pursuant to law.

Section 6. In the event the amounts to be contributed by the State of New Jersey and the County of Monmouth, as set forth in subsections 2 (C) and 2 (D) hereof or any amount contributed from the United States of America, and the State of New Jersey as set forth in subsection 2 (E) hereof, shall be received by the Township prior to the issuance of the bonds or notes authorized herein then the amount of such bonds or notes to be issued shall be reduced by the amounts so received. In the event the funds to be contributed are received by the Township after the issuance of the bonds or notes authorized in Sections 4 and 5 hereof, then such funds shall be applied to the payment of the bonds or notes so issued, and shall be used for no other purpose.

Section 7. It is hereby determined and declared by this Council as follows:

(A) That the average period of usefulness of the improvements or properties described in Section 1 hereof for which the obligations authorized in this ordinance are to be issued, within the limitations prescribed in the Local Bond Law, is at least 18 years.

(B) That the supplemental debt statement required by Section 40A:2-10 of the Revised Statutes has been duly made and filed in the office of the Municipal Clerk prior to the passage of this ordinance on first reading and a complete executed original thereof has been filed in the office of the Director of the Division of Local Finance of the State of New Jersey prior to passage of this ordinance on final reading and such debt statement shows that the gross debt of the Township as defined in Section 40A:2-43 of the Revised Statutes is increased by this ordinance by \$465,000 and that the issuance of the obligations authorized by this ordinance is permitted by an exception to the debt limitations contained in Section 40A:2-7 (d) of said Local Bond Law.

Section 8. That the amount of the pro- nance of the obligations authorized by this ordinance which may be expended for interest on such obligations, engineering, architectural and inspection costs and legal expenses, the cost of the issuance of the obligations authorized by this ordinance, including printing, advertisement of ordinance, resolutions and notices of sale, and legal expenses, in the manner provided in Section 40A:2-20 of the Revised Statutes, is not exceeding \$47,000.

Section 9. The full faith and credit of the Township of Marlboro, in the County of Monmouth, New Jersey, are hereby pledged for the payment of the principal of and interest on all of the bonds or notes issued pursuant to this ordinance, and the sums required for such payment shall in each year while any of said bonds or notes are outstanding be included in the annual budget and raised by tax without limitation as to rate or amount upon all the taxable property within said Township.

Section 10. This ordinance shall take effect twenty days after the first publication thereof after final passage pursuant to law.

(Ord. #12-71)

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on May 27, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Central School, Route 79, Marlboro Twp. on June 24, 1971 at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN,
Clerk

A recess was declared and the meeting called back to order at 11:07 PM at which time the Mayor publicly signed Ordinance #4-71 (amended).

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #170-71

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

Ordinance #15-71

"AND ORDINANCE AMENDING ORDINANCE #11-71 KNOWN BY ITS SHORT TITLE AS "THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY", INTRODUCED AND PASSED ON FIRST READING BY THE COUNCIL OF THE TOWNSHIP OF MARLBORO ON MAY 27, 1971."

be introduced and passed first reading, and that the same be published in the Asbury Park Press on Thursday, August 19, 1971 with the notice required by law and that the same be considered for final passage on Thursday, September 9, 1971 at 8 P.M. at Marlboro Elementary School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman and thereafter adopted unanimously on a roll call vote.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #171-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the committee appointed by Council to investigate the alleged offer made to the township in 1968 by Levitt & Sons report their findings to the entire Council before December 1, 1971."

Seconded by Councilman Williams and thereafter adopted on the following roll call vote:

Ayes: Councilmen Czerny, Grossman, Williams and McLaughlin
Nays: none
Abstain: Councilman Herman

**ORDINANCE #15-71
AN ORDINANCE AMENDING ORDINANCE #11-71 KNOWN BY ITS SHORT TITLE AS "THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY", INTRODUCED AND PASSED ON FIRST READING BY THE COUNCIL OF THE TOWNSHIP OF MARLBORO ON MAY 27, 1971.**

BE IT ORDAINED, by the Council of the Township of Marlboro that Ordinance #11-71, known by its short title as "The Land Subdivision Ordinance of the Township of Marlboro, Monmouth County, New Jersey" introduced and passed first reading May 27, 1971 be amended as follows:

SECTION ONE: Article IV, Section 419 is amended to read as follows:
419 SUBDIVISION - MINOR
A subdivision meeting certain specified standards and for which approval as a minor subdivision has been granted by the Planning Board.

SECTION TWO: Article V, Section 501 is amended to read as follows:
501 INFORMAL DISCUSSION WITH THE PLANNING BOARD

Any person who desires to subdivide land within Marlboro Township except land to be subdivided pursuant to a minor subdivision shall, prior to submitting an Application for Subdivision, appear at a regular meeting of the Planning Board, or at any other time designated by the Planning Board, for informal discussion of the proposed subdivision. It is advisable at the informal discussion that the subdivided informally submit or have available an outline map of the property to be subdivided which includes information of similar detail and accuracy as those required for a sketch plat. During the informal discussion the proper procedure for submission of the proposed subdivision will be discussed with the subdivider, and general guidelines shall be established for the subdivider to follow in developing the plan to be depicted in the sketch plat. Particular attention shall be paid to the location of streets and open space areas, circulation, drainage and any provisions of the Master Plan or Official Map which may affect the general design of the subdivision.

SECTION THREE: Article V, Section 502.1 is amended to read as follows:

502.1 SUBMISSION OF SKETCH PLAT
Filing of Sketch Plat: Any subdivider desiring to proceed with the subdivision or resubdivision of land within the Township of Marlboro, excepting a subdivision which qualifies as a minor subdivision shall file with the Municipal Clerk a translucent reproducible master copy of a sketch plat prepared in accordance with the requirements of Article VI, Section 601, of this Ordinance, together with a minimum of twenty (20) black or blue-on-white, or white-on-blue prints of the sketch plat, and together with five (5) completed application forms for sketch plat approval.

SECTION FOUR: A Section 502.5.4 (Article V) is added to read as follows:

502.5.4 Where the Planning Board finds by resolution setting forth its reasons that reports from any or all of the boards or agencies as set forth in Sections 502.4.9 to 502.4.11 inclusive and that comments and suggestions from adjoining property owners as provided for in Section 502.6 are not required for its decision on sketch plat approval, and further finds that the 45 day period set forth in Section 502.5 may be waived, the Planning Board may approve or disapprove said sketch plat upon receipt of the reports required by Sections 502.5.1, 502.5.2 and 502.5.3.

SECTION FIVE: Article V, Section 502.8 is amended to read as follows:

502.8 Planning Board Action:
The Planning Board shall act on the proposed sketch plat of a subdivision no sooner than the first regular meeting of the Planning Board following forty-five (45) days from the date of submission of the Application of Sketch Plat Approval (except where said time limit has been waived pursuant to Section 502.5.4) or no later than the third regular meeting of the Planning Board following forty-five (45) days from the date of submission of the Application for Sketch Plat Approval. The action of the Planning Board on the sketch plat of a subdivision shall be in the form of a written resolution prepared by the Planning Board Attorney and approved by a majority of the Planning Board members present at the meeting at which the resolution is considered and shall indicate one of the following actions:

SECTION SIX: Article V, Section 502.11 and 502.12 are added to read as follows:

502.11 Favorable Recommendation by Planning Board of Sketch Plat:
If the Planning Board recom-

mends approval of a sketch plat, a notation to that effect shall be made on the translucent reproducible master copy of the sketch plat and shall be signed by the Chairman and Secretary of the Planning Board. The signed master copy of the sketch plat shall be submitted to and be retained by the Municipal Clerk; six (6) prints from the master copy and a copy of the Planning Board resolution shall be forwarded to the Municipal Clerk for the consideration of the Governing Body.

502.12 Action by Governing Body:
The Township Council shall, by resolution, approve or disapprove the favorably recommended sketch plat not later than the second regular meeting of the Township Council following receipt from the Planning Board of the favorably recommended sketch plat for approval.

502.12.1 Approval: Approved sketch plats shall be distributed in accordance with the provisions of Article V, Section 502.13, for further compliance with Sections 504, 505 and 506 of this Article.

502.12.2 Disapproval: If the Governing Body disapproves a sketch plat, a notation to that effect shall be made on the translucent reproducible master copy and shall be signed by the Mayor and Municipal Clerk. The Municipal Clerk shall, within two weeks following the date of disapproval by the Governing Body of the favorably recommended sketch plat, send, by certified mail, addressed to the subdivider at the address given in the subdivision application, a print of the disapproved sketch plat and a copy of the Council's resolution disapproving the sketch plat.

The translucent reproducible master copy, one print of the disapproved sketch plat and copies of the Planning Board and Governing Body resolutions shall be kept on file by the Municipal Clerk.

Further consideration of a disapproved sketch plat shall require resubmission of a sketch plat and subdivision application in the same manner as the original sketch plat.

SECTION SEVEN: Article V, Section 502.13 is amended to read as follows:

502.13 Distribution of Approved Sketch Plat:

The Municipal Clerk shall, within two weeks following approval of a sketch plat by the Governing Body, provide for one copy each of the approved sketch plat, Planning Board resolution and Township Council resolution to be forwarded to each of the following:

- 502.13.1 Planning Board Secretary
- 502.13.2 Planning Board Engineer
- 502.13.3 Township Engineer
- 502.13.4 Subdivider

The Municipal Clerk shall keep on file the original application form and translucent reproducible master copy, as well as the approved translucent reproducible master copy of the approved sketch plat and one copy each of the Planning Board resolution and Township Council resolution.

SECTION EIGHT: Article V, Section 503.2 is amended to read as follows:

503.2 Filing for Application for Approval as a Minor Subdivision:

Any subdivider whose subdivision meets the qualifications of Article V, Section 503.1 above, may file an Application for Approval as a Minor Subdivision in duplicate with the Municipal Clerk together with a translucent reproducible master copy of a sketch plat prepared in accordance with the requirements of Article VI, Section 601, of this Ordinance together with a minimum of ten (10) black or blue-on-white, or white-on-blue prints of the sketch plat. At the time of filing an Application for Minor Subdivision Approval the subdivider shall pay to the Municipal Clerk a fee of Twenty-five dollars (\$25) plus an additional fee of Ten dollars (\$10) for each acre or fraction thereof included with the subdivision to defray the costs of processing the application. Such fees shall be payable to the Township of Marlboro and shall be deposited by the Municipal Clerk in the same manner as other revenues by the Township.

Upon receipt of an Application for Minor Subdivision Approval and payment of the required fees the Municipal Clerk shall issue an application number. Once such a number has been issued it shall appear on all maps, plats, papers, correspondence or other documents submitted in connection with the processing of the subdivision.

Upon receipt of the required fees and documents, the Municipal Clerk shall notify the Secretary of the Planning Board of the submission of the Application for Minor Subdivision Approval and shall, within one week from the date upon which the required fees are paid, provide for the following distribution of the sketch plat and application forms:

503.2.1 Municipal Clerk: Translucent reproducible master copy of the sketch plat, two prints of the sketch plat and one application form to be kept on file.

503.2.2 Secretary of Planning Board: Two prints of the sketch plat and two application forms.

503.2.3 Chairman of the Planning Board: One print of the sketch plat and one application form.

503.2.4 Planning Board Engineer: One print of the sketch plat.

503.2.5 Municipal Utilities Authority: One print of the sketch plat.

503.2.6 Planning Consultant: One print of the sketch plat.

SECTION NINE: Article V, Sections 503.3.1, 503.3.2 and 503.3.3 are deleted.

SECTION TEN: Article V, Section 503.3 is amended to read as follows:

503.3 Planning Board Action: The Planning Board shall approve or disapprove the Application for Approval as a Minor Subdivision. If the Minor Subdivision is approved by the Planning Board, by resolution, and conditioned upon the payment of the fees specified in Section 503.5 of this Article, a notation to that effect shall be made on the translucent reproducible master copy of the sketch plat and the same shall be signed by the Mayor and Municipal Clerk. No further approval of the subdivision by any agency of the Township shall be required and the provisions of Sections 504, 505 and 506 of this Article shall be waived.

SECTION ELEVEN: Article V, Section 503.4.1 and 503.4.2 are deleted.

SECTION TWELVE: Article V, Section 503.4 is amended to read as follows:

503.4 Disapproval: If the Minor Subdivision is disapproved by the Planning Board, such disapproval shall be accompanied by a resolution of the Planning Board stating the reasons for disapproval. The disapproval action of the Planning Board shall be noted on the translucent reproducible master copy and signed by the Mayor and Municipal Clerk.

SECTION THIRTEEN: Article V, Section 503.5 is amended to read as follows:

503.5 Fees: After approval of a Minor Subdivision by the Planning Board, the subdivider shall pay to the Township of Marlboro a fee of Ten dollars (\$10) plus Ten dollars (\$10) for each lot in the approved subdivision, to defray the cost of reproducing copies of the approved translucent master copy of the approved sketch plat for distribution in accordance with Section 503.6 of this Article, and to defray the cost of making necessary changes in the Municipal Tax Maps. Until such fee is paid by the subdivider, the Municipal Clerk shall not distribute the approved sketch plat.

SECTION FOURTEEN: Article V, Section 503.6 and Sections 503.6.1 through 503.6.10 are amended to read as follows:

- 503.6 Distribution of Approved Minor Subdivision Plat: The Municipal Clerk shall, within two weeks following the approval of a Minor Subdivision by the Planning Board, provide for one copy of the approved plat and Planning Board resolution to be forwarded to each of the following:
 - 503.6.1 Building Inspector
 - 503.6.2 Planning Board Engineer
 - 503.6.3 Tax Assessor
 - 503.6.4 Township Engineer
 - 503.6.5 County Planning Board
 - 503.6.6 Subdivider
 - 503.6.7 Other persons or agencies as may be specified by the Township Council.

The Municipal Clerk shall keep on file the approved translucent reproducible master copy of the Minor Subdivision Plat, one copy of the approved Minor Subdivision plat and a copy of the Planning Board resolution.

SECTION FIFTEEN: Article V, Section 503.7 is amended to read as follows:

503.7 Recording of Subdivision: If the subdivider desires to proceed with a subdivision for which approval as a minor subdivision has been granted by the Planning Board, he shall file with the County Recording Officer either a deed drawn in compliance with Chapter 358 of the Laws of 1953 or a plat map drawn in compliance with Chapter 141 of the Laws of 1960, as amended and supplemented within ninety (90) days from the date of approval by the Planning

Board. The subdivider shall, within one week after filing or recording the subdivision with the County Recording Officer, notify, in writing, the Municipal Clerk of the date of filing of the subdivision with the County Recording Officer and the case and sheet or page number for the filed plat or deed. In the event the subdivider fails to so file within ninety (90) days of the date of approval by the Planning Board, the approval of the plat shall expire, unless such time is extended by the Planning Board for a period not to exceed ninety days for good cause shown, and any further consideration shall require resubmission of the Application for Approval of a Minor Subdivision.

SECTION SIXTEEN: A Section 504.4.3 (Article V) is added to read as follows:

504.4.3 Where the Planning Board finds by resolution setting forth its reasons that reports from any or all of the boards or agencies as set forth in Sections 504.3.9 to 504.3.11 inclusive (except reports required by statute) are not required for its decision on tentative approval, and further finds that the 45 day period set forth in Section 504.4 may be waived, the Planning Board may approve or disapprove said preliminary plat upon receipt of the reports required by Sections 504.4.1 and 504.4.2 following the public hearing required by Section 504.5.

SECTION SEVENTEEN: Article V, Section 504.5 is amended to read as follows:

504.5 Date of Public Hearing: The Planning Board, at its first meeting following receipt of the Application for Tentative Approval of a Preliminary Plat by the Secretary of the Planning Board, shall set the date of the public hearing by the Planning Board on the preliminary plat. The public hearing shall be held on a date no later than 90 days from the date of submission of the Application for Tentative Approval of a Preliminary Plat. The Secretary of the Planning Board shall notify the subdivider of the date set for the public hearing. Such notice shall be given to the subdivider by certified mail no later than three weeks prior to the date set for the public hearing.

SECTION EIGHTEEN: Article VII, Sections 702.11 and 702.12 are amended to read as follows:

702.11 STREET LIGHTING. Street lights shall be of a type approved by resolution of the Planning Board and by the electric utility company serving the proposed subdivision; and located so as to provide a minimum lighting level of 0.5 horizontal foot candles on all local streets and 1.0 horizontal foot candles on all minor and major collector and arterial streets. The subdivider shall pay the full cost for initial installation of any street lights. After final acceptance, operation and maintenance costs shall be the responsibility of the Township.
702.12 STREET SIGNS: Street signs shall be of a type, size and legend approved by resolution of the Planning Board and shall be properly installed at each street intersection. Street signs shall be placed two per intersection, on the near right hand corner as viewed from the street which is expected to carry the greatest traffic through the intersection. Mountings shall be subject to the approval of the Planning Board. Street signs shall be placed before any certificate of occupancy for houses on the subject street are issued.

SECTION NINETEEN: Upon final adoption: this ordinance and ordinance #11-71 as amended by this ordinance shall constitute Chapter 92 of the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey". Sections may be re-numbered to conform with the structure of the Code.

SECTION TWENTY: This ordinance shall take effect on final passage, approval and publication according to law.

NOTICE
Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on August 12, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on September 9, 1971 at Marlboro Elementary School, School Road West, Marlboro, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.
By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(8200.32) 8865

NEW BUSINESS:

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #172-71

"WHEREAS, an emergency has risen in that it is necessary to appropriate additional funds for the summer youth activities program by reason of the inclusion of Manalapan Township in said program; and

WHEREAS, the within additional appropriation will be offset by a contribution of the same amount from the Township of Manalapan pursuant to a resolution which has been adopted by said Township; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is\$20,626.05 and three percent of the total operating appropriations in the budget for 1971 is\$27,184.35.

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-48,

1. An emergency appropriation be and the same is hereby made for:

Summer Youth Activities Program	
Salaries and Wages ...	\$4,000.00
Other Expenses ...	\$1,000.00

2. That said emergency appropriation shall be provided for in full in the 1972 budget.

3. That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S. 40A:4-48 and in accordance with the provision of N.J.S. 40A:4-51.

4. That such note be executed by Martin Rotheim, Director of Finance and by Morton Salkind, Mayor.

5. That said note shall be dated August 1st, 1971 and may be renewed from time to time and such note and any renewals thereof shall be payable on or before December 31st, 1972.

6. That one certified copy of this resolution be filed with the Director of Local Finance."

Seconded by Councilman Herman and thereafter adopted unanimously on a roll call vote.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #173-71

"WHEREAS, Drug Mart Liquors of Marlboro, Inc. has duly applied for a liquor license transfer;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that Liquor License #D-1 for the year 1971-1972, in the name of Rose Laub t/a Marlboro General Store be transferred to Drug Mart Liquors of Marlboro, Inc. for premises at Shopping Center, Routes 79 and 520, Marlboro, N.J."

Seconded by Councilman Czerny and thereafter adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #174-71

"WHEREAS, the Zoning Board of Adjustment on July 20th, 1971 recommended to the Council that Shadow Lawn Savings and Loan Association be granted an extension until December 31st, 1971 of a variance heretofore granted said applicant to erect and maintain a temporary mobile trailer to be used as a branch office of the applicant on premises known as School Road West, Block 81C, Lot 10 and leased by the applicant; and

WHEREAS, the Zoning Board of Adjustment found that the extension of said variance would not be detrimental to the general health, safety and welfare of the municipality in general and to the specific premises in particular; and that the requested relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance and zone plan of the Township;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that Shadow Lawn Savings and Loan Association be and they are hereby granted an extension of a previously granted variance to permit the erection, maintenance and occupancy of a mobile trailer as a branch office on premises known as School Road West, Block 81C, Lot 10 up to and including December 31st, 1971."

Seconded by Councilman Grossman and thereafter adopted unanimously on a roll call vote.

0064

A recess was declared and the meeting was called back to order at 11:40 PM.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #175-71

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

Ordinance #16-71

AN ORDINANCE AMENDING ORDINANCE #2-71, AN ORDINANCE FIXING THE SALARIES OF "THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO" (1971) AND FIXING ADDITIONAL TERMS OF COMPENSATION OF THE OFFICERS AND MEMBERS OF THE POLICE DEPARTMENT

be introduced and passed first reading and that the same be published in the Asbury Park Press on Thursday, August 19, 1971 with the notice required by law and that the same be considered for final passage on Thursday, September 9, 1971 at 8 PM at Marlboro Elementary School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

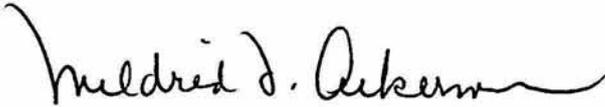
Seconded by Councilman Williams and after discussion adopted on the following roll call vote:

Ayes: Councilmen Czerny, Williams, Herman and McLaughlin
Nays: None
Abstain: Councilman Grossman

Following the adoption of the above resolution Councilman Grossman moved to continue the meeting to Thursday, August 19, 1971 at 8 PM at the Marlboro Elementary School. Motion was seconded by Councilman Czerny and carried unanimously on a roll call vote.

The meeting adjourned at 12:05 A.M., to be continued to August 19, 1971.

JOHN J. MCLAUGHLIN
Council President


MILDRED F. ACKERMAN
Clerk

Minutes approved: 10/18/71
August 12, 1971

This is a Reprint of The Asbury Park Press

ORDINANCE #16-71
AN ORDINANCE AMENDING ORDINANCE #2-71 AN ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO (1971) AND FIXING ADDITIONAL TERMS OF COMPENSATION OF THE OFFICERS AND MEMBERS OF THE POLICE DEPARTMENT.

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, New Jersey:

Section 1. Ordinance #2-71 known as the 1971 Salary Ordinance be amended by adding the following salary provisions to the Division of Police and Division of Welfare which salaries shall be retroactive from January 1, 1971:

Division of Police	
Chief of Police	— \$12,200 per annum
Lieutenant	— \$11,200 per annum
Sergeant	— \$10,200 per annum
Detective	— \$ 9,900 per annum
Patrolman—	
1st Class	— \$ 9,400 per annum
Patrolman—	
2nd Class	— \$ 8,750 per annum
Patrolman—	
Probationary	— \$ 7,800 per annum
Division of Welfare	
Case Worker	— \$ 50 per month

Section 2. The hours of employment of the uniformed members and officers of the police department shall not exceed 8 continuous hours in any one day nor more than 40 hours in any one week. No such member or officer shall be required to perform any police duty which would involve more time than herein specified except in cases of emergency. "Emergency" as used herein shall include any unusual conditions caused by any circumstances or situation including shortages in the personnel of the police department caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the chief of police, after consultation with the director of the Division of Police.

Section 3. Where possible, uniformed members and officers of the police department shall be given compensatory time off for emergency duty. Any emergency duty not compensated for by time off remaining at the end of any quarter of the calendar year shall be compensated for by payment at the prevailing salary rate, except that in 1971 only, emergency duty not compensated by time off shall be compensated by payment at the prevailing salary rate as of December 1, 1971.

Section 4. Whenever any member or officer of the police department shall be required to appear before any grand jury or at any County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours, he shall receive either compensatory time off from his regular duty hours or additional compensation at his prevailing salary rate.

Section 5. The provisions of Sections 2, 3 and 4 of the within ordinance, upon final adoption, shall become a part of Chapter 43 of the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey."

Section 6. This ordinance shall take effect on final passage, approval and publication according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on August 12, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on September 9, 1971 at Marlboro Elementary School, School Road West, Marlboro, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$40.32) 8866

COUNCIL OF THE TOWNSHIP OF MARLBORO

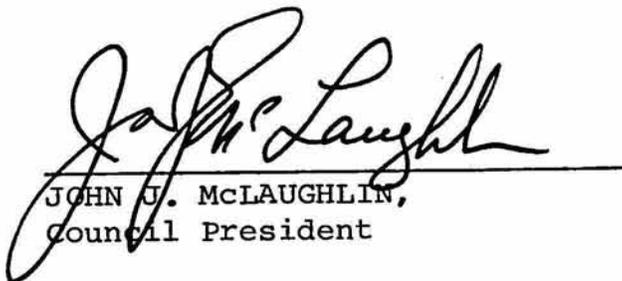
CONTINUED MEETING - AUGUST 19, 1971
(Continued from August 12, 1971)

The continued meeting of August 19, 1971 (continued from August 12, 1971) was not held due to lack of a quorum. Councilmen Grossman and Williams were present, but Councilmen Czerny, Herman and McLaughlin were absent.

Mayor Morton Salkind and Clerk Mildred Ackerman were also present.

Councilman Williams told the public it was Council's intent to continue the meeting to Thursday evening, August 26, 1971 at 8 P.M. at Marlboro Elementary School as Council Pres. McLaughlin and Councilman Herman were out of town on business and Mrs. Czerny had also been out of town and was not able to attend the meeting originally continued to this evening.

Councilman Grossman and Mayor Salkind said such a continued meeting would not be legal. The Mayor said he would call a special meeting for August 26, 1971 if it was Council's wish.



JOHN J. McLAUGHLIN,
Council President



MILDRED F. ACKERMAN,
Township Clerk

Minutes approved: 10/18/71

0067

COUNCIL OF THE TOWNSHIP OF MARLBORO

CONTINUED MEETING - AUGUST 26, 1971
(continued from 8/19 & 8/12/71)

The continued meeting of the Council of the Township of Marlboro was called to order at 8:07 P.M. on Thursday evening, August 26, 1971 at the Marlboro Elementary School on School Road West by Council President John J. McLaughlin.

ROLL CALL: Present: Councilmen Czerny, Grossman, Herman, Williams and McLaughlin.

Also present were Mayor Morton Salkind and Clerk Mildred Ackerman.

A brief recess was called at the beginning of the meeting to discuss the Mayor's request that Council act during the meeting to approve Mr. Stuart Tewksbury's application to construct a deck house in the township. Pres. McLaughlin said the matter which the Mayor had just brought before Council this evening would be referred to the Township Engineer for his review and report.

Councilman Grossman questioned the legality of the meeting inasmuch as a Council quorum was not present on August 19th to continue the meeting by formal resolution.

Council Pres. McLaughlin said the meeting had been continued to this evening at his specific request because of the fact that he would be out of town on August 19th, that he had discussed the matter with the entire Council and it was agreed the meeting would be continued to August 26th. He further stated that he had been in touch with the Township Attorney who had informed him that any member in attendance at a meeting could continue the meeting to another pre-set date.

In order that there be no question as to the legality of the matters to be taken care of this evening, Council Pres. McLaughlin called for a motion that Council request the Mayor to call a special meeting of the Council for August 26,

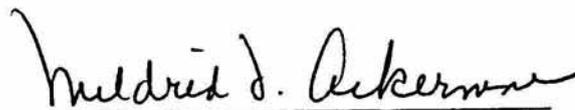
1971 at the Marlboro Elementary School.

So moved by Councilman Grossman, seconded by Councilman Williams and carried with Councilman Herman voting no.

The Mayor then called the special meeting in accordance with the provisions of N.J.S.A. 40:69A-1 as requested by Council for the purpose of conducting all items on the agenda listed under date of August 26, 1971.



JOHN J. McLAUGHLIN,
Council President



MILDRED F. ACKERMAN,
Clerk

Minutes approved: 10/18/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

SPECIAL MEETING - AUGUST 26, 1971

The special meeting of the Council of the Township of Marlboro was called to order at 8:25 P.M. on Thursday evening, August 26, 1971 at Marlboro Elementary School by Council President John J. McLaughlin.

ROLL CALL: Present: Councilmen Czerny, Grossman, Herman, Williams and McLaughlin

Also present were Mayor Morton Salkind and Clerk Mildred Ackerman. Township Attorney James R. Minogue arrived shortly after the meeting was called to order.

Council Pres. McLaughlin stated that the matter of the introduction of the ordinance regarding the acquisition of the Traphagen site for construction of a municipal complex had been removed from the agenda because of the possibility of the availability of almost eighteen acres in the approximate vicinity. The Mayor and Councilman Grossman supported Pres. McLaughlin's action.

Pres. McLaughlin, the Mayor and Council spoke briefly of a meeting with representatives of Monmouth County, Manalapan, Englishtown and Freehold to be held regarding the establishment of a Western Monmouth Regional Sewerage Authority.

NEW BUSINESS:

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #176-71

"WHEREAS, the Board of Education of the Township of Marlboro has requisitioned \$242,576.00 in district taxes, exclusive of debt service requirements needed to meet the obligations of the Board of Education for the next eight weeks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian of School Moneys the sum of \$242,576.00 within the next thirty days in accordance with the statutes relating thereto."

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #177-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to defend the Township of Marlboro against the following civil actions brought in the Superior Court of New Jersey, Law Division, Monmouth County:

Docket No. L-33493-70	P.W.	Wickatunk Village Inc.
Docket No. L-33384-70		Forschel, Inc.
Docket No. L-33081-70	P.W.	Isidore Shipper, et als
Docket No. L-34750-70	P.W.	Marlboro Improvement Corp.
Docket No. L-33511-70	P.W.	George T. Saathoff"

Seconded by Councilman Czerny and adopted unanimously on a roll call vote.

Following the adoption of the above resolution, the Mayor asked the Township Attorney to furnish him with a report why the April 23, 1971 extension was acceded to regarding the Moore property on School Road East.

Councilman Williams then offered the following resolution and urged its adoption:

RESOLUTION #178-71

"BE IT RESOLVED by the Council of the Township of Marlboro
1. That the plans and specifications for the Reconstruction of School Road West in the Township of Marlboro beginning at Sta. 1+10, east of Stockton Drive and ending at Sta.12+50 near the center line of St. Highway Rt. 79 be and the same are hereby

approved.

2. That the said engineer be and he is hereby directed to present the said drawings and specifications to the Commissioner of Transportation for his approval.

3. That immediately upon said approval and not later than thirty (30) days after the date thereof the clerk of this body be and hereby is directed to advertise for bids for the Project at least seventeen (17) days before receipt of bids in the Asbury Park Press.

4. That said advertisement shall read as follows: "Notice is hereby given that sealed bids will be received by the Marlboro Township Business Administrator for the Reconstruction of School Road West in the Township of Marlboro in the County of Monmouth; the major construction items, units and quantities are: 4900 s.y. Bituminous Stabilized Base Course (Mix 1), 5" thick; 4900 s.y. pavement type FABC-1 (Mix 5); 2" thick; 2060 C.Y. Roadway Excavation; 2100 L.F. Concrete Curb, opened and read in public at the Municipal Building at 10 A.M. local prevailing time. Drawings, specifications and forms of bids, contracts and bond for the proposed work, prepared by Leon S. Avakian, Inc., Engineer, and approved by the Commissioner of Transportation, have been filed in the office of the said engineer at 500 Deal Lake Drive, Asbury Park, N.J. and of said Commissioner of Transportation, Trenton, N.J. and the Division of Local Government Aid District Office located at 1 Court House Square, Freehold, N.J. and may be inspected by prospective bidders during business hours. Bidders will be furnished with a copy of the specifications and blue prints of the drawings by the engineer on proper notice and payment of cost of preparation. Bids must be made on standard proposal forms in the manner designated therein and required by the specifications, must be enclosed in sealed envelopes, bearing the name and address of bidder and name of the road on outside addressed to Business Administrator, Township of Marlboro, and must be accompanied by a non-collusion affidavit and a certified check for not less than ten (10) per cent of the amount bid, provided said check need not be more than \$20,000.00 nor shall not be less than \$500.00 and be delivered at the place on or before the hour named above. The standard proposal form and the non-collusion affidavit are attached to the supplementary specifications, copies of which will be furnished on application to the engineer.

5. That the said clerk be and hereby is empowered and directed to insert in the space for dates such convenient hour and day as will cause the opening of bids to take place not less than

seventeen (17) days after the date of the first publication of the advertisement, to notify each and every member of this body, in writing, that a meeting thereof will be held on the day at the hour named to receive all bids sent or delivered."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Following the adoption of the above resolution, the Mayor publicly signed the Holtz contract for right-of-way on School Road West while stating his objection to a letter he received from Mr. Minogue regarding same.

Councilman Grossman offered the following resolution:

RESOLUTION #179-71:

"WHEREAS, the Council President has caused to be mailed to the residents a letter explaining the proposed Lloyd Road project; and

WHEREAS, prior to the mailing of said letter a majority of the Council concurred with its contents; and

WHEREAS, prior to the mailing request was made by the Township Clerk of the Mayor to authorize use of the township mailing permit so that a 50% cost saving in postage could be secured, and

WHEREAS, the Mayor refused to authorize the use of the said mailing permit; and

WHEREAS, it was necessary for Councilman Czerny to advance out of her personal funds first class postage stamps in order to insure that said letter would reach the residents prior to this meeting;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the mailing of said letter by Council Pres. McLaughlin be and the same is hereby ratified and confirmed and that the voucher of Councilman Czerny in the amount of \$272.00 for first class postage stamps for said mailing be and the same is hereby approved for payment."

Seconded by Councilman Herman.

Discussion: Councilman Grossman stated his objections to the Council preparing a letter to be mailed to residents in the name of Council without first advising him of the contents of the letter. He also objected to the formation of an engineering study team without his knowledge.

Pres. McLaughlin said the letter sent out by Council did not in any way attack any other member of Council or the Mayor but he objected to the letter mailed to residents by Councilman Grossman and denied statements in Mr. Grossman's letter supposedly made by Mr. McLaughlin. He said he did not question the right of Councilman Grossman to send out his letter to the people but said its contents were not proper.

Pres. McLaughlin suggested to all members of Council and the Mayor that they abide by the following rule - that there be no more communication using the public's money on any position because if so it has to have a taint of a political nature. He said political parties can state their views and pay for same, but it should not be paid for by the taxpayer's money.

The Mayor spoke of his reports sent to the people and of the procedure he wished Council to follow in future mailings - Council must act publicly and allow at least one week for postage money. He said no further mailing would be sent by him after the political campaign has opened with the exception of his quarterly report.

Councilman Czerny spoke of the problems Council had encountered with the Mayor regarding past Council mailings and agreed with Council Pres. McLaughlin that Council not allow township funds to be used for political mailings.

The resolution was adopted on the following roll call vote:
Ayes: Councilmen Herman, Williams, McLaughlin. Abstain:
Councilmen Czerny and Grossman.

Councilman Czerny offered the following resolution and urged its adoption:

RESOLUTION #180-71

"WHEREAS, Tax Sale Certificate #67-11 and #68-17, Block 52 - Lot 26, were sold to William Sokolowski, 930 Woodlawn Avenue, Linden, New Jersey and have been redeemed by owner; and

WHEREAS, the sum of \$504.11 is due and owing William Sokolowski on the above Tax Sale Certificates:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount \$504.11 as above be returned to William Sokolowski."

Seconded by Councilman Herman and adopted unanimously on a roll
8/26/71 (Special Mtg.)

call vote.

Councilman Herman offered Resolution #181-71, the bill-paying resolution, copy of which is attached hereto and made a part hereof. The resolution was seconded by Councilman Williams.

Discussion: Mr. Minogue recommended the vouchers of Agrotors Inc. for \$2,940.00 and \$1,400.00 be removed from the bill paying resolution as there is some question as to their legality. The Mayor stated officially for the record that an emergency resolution was passed by Council authorizing \$5,000 for gypsy moth program and that the law does not take effect in an emergency situation (Mr. Minogue disagreed) and that two separate events were concerned ^{after} as the first aerial spray was completed his office received many complaints from people and a second spraying was ordered. He said two separate orders were placed.

After a recess and further discussion during which the Mayor announced the voucher for \$1,400.00 was in the name of Bartlett Tree Experts (not Agrotors Inc. as appeared on the resolution), read a letter from Mr. Hartnett dated August 11, 1971 regarding the matter and asked Mr. Minogue for a ruling as to whether the two separate orders for Agrotors constituted a violation, Councilman Williams offered a motion to table the resolution for further study. Seconded by Councilman Grossman.

Discussion on motion to table: Pres. McLaughlin said Council has to conduct the business of the town, that some vouchers should be paid while others could be questioned and that he would entertain a motion not to table the resolution at this time pending the removal of certain items from the resolution. Councilman Grossman asked for a complete investigation and record made of how much was spent to each person up to present time and if they approached \$2,500 or if they looked like they are going to go over, then he wanted a separate ruling for each instance. The Mayor announced he had received a note from the Director of Finance that in his opinion Mr. Minogue's opinion is contrary to rulings made in the past by Mr. Minogue and requested a review be made of all financial matters and that legal counsel be appointed to represent the Department of Finance separate and distinct from Mr. Minogue and until this review is done he stated we cannot pay any of the bills and he is specifically withdrawing his approval under the terms of the Administrative Code of every bill on this bill paying resolution.

181-71

RESOLUTION

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
General Code Publishers	Codification of Ord,1970	3,900.00	4,155.00
	Codification of Ord,1970	255.00	
North Jersey Equipment	Street Sweeper, Bond Ord#6-69		18,000.00
Leon S. Avakian, Inc.	Retainer, June	300.00	2,672.70
	Insp.Holiday, June	93.20	
	Insp.U.S.Homes, June	2,279.50	
Edward L. Fleischer, Esq.	Retainer & Services, June		275.00
William C. O'Brian & Assoc.	Court Reporter, Legal		40.00
N.J. Bell Telephone	462-0059 7/4/71	414.63	1,011.03
	536-3399 7/1/71	6.65	
	536-4444 7/1/71	40.48	
	536-3465 7/1/71	11.61	
	431-9346 6/19/71	35.40	
	431-9346 7/19/71	19.05	
	431-1111 6/19/71	229.96	
	431-1111 7/19/71	223.80	
	462-5713 6/26/71	12.55	
	431-1734 6/19/71	8.30	
431-1734 7/19/71	8.60		
N.J. Natural Gas Co.	4978 6/17-7/20	3.47	7.37
	4990 6/17-7/20	3.90	
Jersey Central Power	5318 5/25-6/24	34.76	2,773.37
	3599 5/26-6/24	200.36	
	Street Lighting	2,538.25	
Xerox Corporation	Per Contract	256.80	256.80
Asbury Park Press	June, Legal Advertising	145.65	2,823.73
	June, Legal ad & Bond#12-71	2,678.08	
Middlesex County Publ.	Legal Advertising		112.00
Office Assistance Co.	Envelopes		29.50
Pillsbury, Barnacle, Russell & Carton, Esq.	Services, Planning Bd,1970		3,750.00

(not adopted)

0076

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Miller's Cleaners	June Cleaning		104.00
Radio Communications	Radio Repairs		90.00
Base Automotive Supply	Check Speedometer		10.00
Scrub-A-Dub Car Wash	June Car Washes		25.00
Franklin's Garage	Repairs of Cars & Trucks		92.67
Matty's Auto Parts	Air Filters & Parts	611.46	769.41
	Flashers	157.95	
Paul-Mark Printing	Letterheads		31.00
Mat-Key Press	Zoning Applications		38.00
W. H. Potter & Son	Throttle Controls	3.00	14.50
	Saw Blade	11.50	
Matawan Lumber	Nails		1.02
Colot's Service Station	Tire	45.60	145.80
	Tire	100.20	
Sattellite Products, Inc.	Wire Terms.		31.02
H. D. Stokes	Sharpening		4.75
Millhurst Mills, Inc.	Culvert Pipe	105.26	320.14
	Culvert Pipe	214.88	
Mechanic's Uniform Rental	Rental Service		111.60
Freehold Dodge Inc.	Insulators		3.06
Dick's Lawn Mower Serv.	Saw Chain		41.85
Harter Equipment Inc.	Hood		80.65
B & B Auto Radiator	Recore Radiator		68.00
Shore Tractor Co.	Guards		21.00
G. H. Marshall Jr.	Knives Sharpened		12.00
Alfred L. Storer	Dumping- June, July		400.00
Agrotors, Inc.	Gypsy Moth Spray, Planes		2,940.00
(g) <i>Boritt Tree Experts</i>	Gypsy Moth Spray		1,400.00
Bd of Education, Marlboro	Recreation - Bus Transport.		379.93
Garden State Arts Center	Ticket Deposit		25.00

8/19/11 J.H.

(not adapted) 0077

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Modern Print Service	Stationery		35.50
Paul Linnett & Co.	Ledger Sheets & Supplies	20.24	
	Purchas Orders & Supplies	94.13	
	Digital Clock	24.20	138.57
Bayshore Stationers	Staplers & Supplies	36.68	
	Rubber Stamps	34.52	
	Pens, Clips etc.	36.82	108.02
Treasurer's Office	Primary Election Envelopes		422.38
Mun. Finance Officers	Membership, Martin Rotheim		40.00
A & A Coffee Service	Coffee Kit		24.00
Kepwel Spring Water	Water & Cooler Rental		54.00
Marlboro Waxing Service	Police Dept., Janitorial Serv	69.00	
	Reading Room, Janitorial Serv	44.00	113.00
Lester M. Heulitt	Coverage for Sweeper	257.88	
	Additional Police Cars	1,198.88	1,456.76
Fishkin Bros. Inc.	Polaroid Film		152.64
J.S. Raub Shoe Store	Boots		22.49
Walter Heath Co.	Batteries	16.80	
	Spitfire Lens	50.46	
	Handcuffs	129.50	196.76
Joseph A. Mazzeo	Cables & Antennas	439.00	
	Repair Radio	33.65	
	Repair Radio	66.00	538.65
Millers Uniform Headquarters	Police Dept.	144.45	
	Crossing Guards	331.46	
	Crossing Guards	163.15	639.06
Red the Tailor	Uniforms	268.30	
	Uniforms	607.99	876.29
West Publishing Co.	Law Books	50.75	
	N.J. Statutes Ann.	9.00	59.75
General Electric Co.	Radios		2,108.40
Imperial Oil Co.	110 Gallons		78.72
Sprague's Oil Service	Gasoline		1,035.43
V. E. Ralph & Son	Face Mask Cushions		17.40
Amboy Generator Service	Regulator		121.60

(not adopted)

0078

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Perry's Trophies	Ribbons		15.00
Lou Cooper	Play Equipment	74.75	
	Poster Board	1.96	
	Construction Paper, etc.	37.94	114.65
Little Silver's Mike	Games	107.25	
	Blocks & Toys	62.20	169.45
S & S Arts & Crafts	Paints & Equipment		424.90
Collins & Smith Inc.	Accident Policy		250.00
Mary Bender Ceramics	Brushes & Glaze	19.60	
	Figurines	13.92	
	Dolls	9.80	43.32
Willoughby*Peerless	Rental Film		20.00
Marlboro Pop Warner	Donation		1,500.00
N.J. State Dept. of Health	Rabies Clinic Reg. Fee, June		29.50
N.J. State Dept. of Health	Rabies Clinic Reg. Fee, July		10.50
Albert Nils Hirsch	Rendering of Rabies Immun.		100.00
Milton Kosene & Herbert B. Bierman	Judgments-1971 Emergency Resolution		8,126.05
	Total		<u>53,983.64</u>
			<u>25</u>
			\$62,084.69

Offered by: *Herman*

Ayes:

Seconded by: *Williams*

Nays:

Not adopted

The above Resolution was adopted this ^{26th} ~~12th~~ day of August, 1971.

~~MILDRED F. ACKERMAN, CLERK~~

~~JOHN McLAUGHLIN, COUNCIL PRES.~~

0079

(not adopted)

Councilman Herman said it was urgent the donation of \$1,500.00 for Marlboro Pop Warner be approved. Councilman Grossman moved the item of \$1,500.00 to Marlboro Pop Warner be deleted from the tabling motion. Seconded by Councilman Herman. After a brief discussion Mr. Rotheim also approved the vouchers of Pillsbury, Barnacle, Russell & Carton, Esqs. for \$3,750.00 and Milton Kosene & Herbert B. Bierman, Esqs. for \$8,126.05 for payment.

Councilman Herman moved that the vouchers of Pillsbury, Barnacle, Russell & Carton, Esqs. ^{for \$3,750.00} and Milton Kosene and Herbert B. Bierman, Esqs. for \$8,126.05 be approved for payment. Seconded by Councilman Williams and carried unanimously on a roll call vote.

A roll call vote was then called on the motion to exclude the voucher of Marlboro Pop Warner for \$1,500 from the motion to table action on the bill paying resolution, and was approved unanimously.

The original motion to table the resolution (except for the above vouchers) was then approved on the following roll call vote: Ayes: Councilmen Czerny, Grossman, Herman and Williams. Nays: Council Pres. McLaughlin.

Council Pres. McLaughlin offered the following amended resolution:

RESOLUTION #181-71 (amended)

"WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and Official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Pillsbury, Barnacle, Russell & Carton, Esqs.	Services, Plan.Bd. 1970	\$ 3,750.00
Milton Kosene & Herbert B. Bierman	Judgments - 1971 Emergency Resolution	8,126.05
Marlboro Pop Warner	Donation	<u>1,500.00</u>
		\$13,376.05"

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

Following a recess, the meeting was again called to order at 11:20 P.M.

READING OF COMMUNICATIONS & PETITIONS:

The Clerk acknowledged receipt of the Mayor's veto of Ordinance #12-71; receipt of communication from the Mayor requesting the introduction of the salary ordinance for position of Case Worker on the Local Assistance Board.

Acknowledged receipt of individual summons and complaints as set forth in Resolution #177-71.

Receipt of Summary and Synopsis of 1970 Audit Report.

Municipal calendar, including extra voter registration hours scheduled for the convenience of those residents unable to register during regular working hours.

Acknowledged receipt of summons and complaint from the Monmouth County Court, Law Division, Docket No. 18329 in the matter of James R. Minogue v. Morton Salkind, Robert French and Mary Denton v. Township of Marlboro, Third Party Defendant.

Pres. McLaughlin said he had received correspondence from the Marlboro Jaycees regarding proposed updated code of ethics and would have discussions with Council regarding same.

Pres. McLaughlin also said Mr. Paul Alterman, Chairman of the Industrial Park Study Team, had requested one month's extension of time for the committee to complete its work. So moved by Councilman Herman, seconded by Councilman Czerny and carried unanimously on a roll call vote.

MAYOR'S REPORT:

The Mayor reported Mr. Paul Alterman had recently been named to the County Economic Review Commission and applauded his efforts.

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The Mayor spoke of the four houses being built by Seigel on School Road West in Monmouth Heights to sell for approximately \$40,000; also said four houses would be built by Levitt & Sons on Brandon and Dixon and that Levitt would use contempora houses to sell for about \$39,000.

Asked Council to approve his nomination of Robert LaMura, Esq. as new Municipal Judge for term ending June 30, 1974, and spoke highly of his qualifications.

Spoke of the Jaycee Ethics proposed ordinance, his recent newspaper article appearing in the Asbury Park Press regarding the importance of a strong conflict of interest legislation, and stated he would never own stock in any building company while a public officer.

Noted receipt of the following reports:

Building Inspector's report for July; also report dated July 22, 1971 from Mr. Savoie regarding inspection of house which should be demolished on Lot 38, Block 38.

Road Division Report.

Municipal Court Reports for May, June and July from Judge Harrington who is retiring as Judge in September.

Director of Finance report on investments dated August 11, 1971.

July report from Tax Collector.

The Mayor said the Township received 5,000 gallons of free road oil from Imperial Oil Co. of Morganville.

Regarding the lawsuit (James Minogue v. Martin Rotheim and Morton Salkind), the Mayor discussed the case and read an excerpt from Judge Salvest's transcript. He asked that Council provide legal defense for him and Mr. Rotheim. Councilman Williams said this case is before the Courts and he did not think it should be discussed at a public meeting.

The Mayor said he and Mr. Hartnett had been involved in several major economic programs at the County level.

The Mayor endorsed the Monmouth County Master Plan for a county park in the southern portion of Marlboro Township in the area of Topanemus Road and Route 18 near the Manalapan Township border.

The Mayor said Mr. Hartnett had prepared the necessary papers for him to sign for a new program calling for the

Emergency Employment Act of 1971 to be implemented at the township level, and provides to Marlboro a total of \$19,842 in a local share grant. He said the total budget for it would be \$22,000 of which Marlboro must pay 10% or \$2,200 and the Federal grant through the County program will pay the balance to us. He said we must file the necessary papers tomorrow in order to qualify, and that the township expects to utilize the new employees in our Road and Police Depts. He said he had prepared a resolution (which he read) and asked Council to consider it at this time; that following the close of this meeting and the public session he would call a special meeting for Council to approve the resolution he proposed.

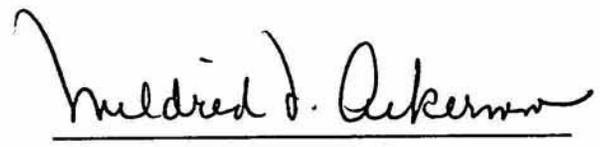
REPORTS OF OTHER BOARDS & AGENCIES WHO REPORT TO COUNCIL:
None

PUBLIC SESSION: After several members of the public spoke, Pres. McLaughlin called for a motion to close the public session until several items of business were taken care of at the Special Meeting to follow. So moved by Councilman Grossman, seconded by Councilman Czerny and carried with Councilman Herman voting no.

The meeting adjourned at 12:30 A.M.



JOHN J. McLAUGHLIN,
Council President



MILDRED F. ACKERMAN,
Clerk

Minutes approved: 10/18/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

SPECIAL MEETING - AUGUST 27, 1971

Mayor Morton Salkind announced he was calling a Special Meeting of the Council of the Township of Marlboro under the provisions of N.J.S.A.40:69A-1 for the following purposes: (a) to confirm the appointment of Robert LaMura as Municipal Judge of the Township of Marlboro. (b) for the consideration and adoption of a resolution pertaining to funding for a program under the Emergency Employment Act of 1971. (c) public session.

ROLL CALL: Present: Councilmen Czerny, Grossman, Herman, Williams and McLaughlin

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue and Clerk Mildred Ackerman.

Time: 12:31 A.M., Friday, August 27, 1971.

Place: Marlboro Elementary School, School Road West, Marlboro Township, N.J.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #182-71

"BE IT RESOLVED that the appointment of Robert E. LaMura as Municipal Judge of the Township of Marlboro for a three year term be and the same is hereby confirmed."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman McLaughlin then offered the following resolution and urged its adoption:

RESOLUTION #183-71

"WHEREAS, New Jersey Statutes Annotated 40A-4-87 provides that the director may approve the insertion of any special item of revenue in the budget of any local unit when such 0084

item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget and may approve the insertion of an appropriation item of equal amount for the purpose of carrying out the purposes of the law making such item of revenue available for expenditure, and

WHEREAS, in accordance with the Emergency Employment Act of 1971, each municipality receiving a grant must appropriate 10% of the total grant; and

WHEREAS, Marlboro Township's share of a grant of \$20,070.92 amounts to \$2,007.09,

NOW, THEREFORE, be it resolved, that in accordance with New Jersey SA 40A-4-87, that the Director of the Department of Local Finance be requested to approve the insertion of an item of \$2,007.09 for the purpose of carrying out the purposes of the law making such item of revenue available for expenditure."

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

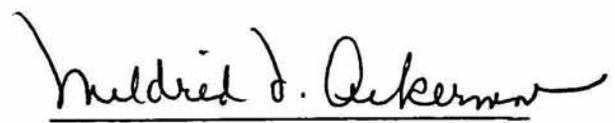
PUBLIC SESSION: At 12:40 A.M. the meeting was opened to the public.

Following the public session, Councilman Grossman moved to adjourn the meeting. Seconded by Councilman Herman and carried unanimously on a roll call vote.

The meeting adjourned at 1:17 A.M.

(Minutes approved: 10/18/71)


JOHN J. McLAUGHLIN,
Council President
8/27/71 (Special Mtg.)

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MILDRED F. ACKERMAN,
Clerk

COUNCIL OF THE TOWNSHIP OF MARLBORO

SPECIAL MEETING - AUGUST 31, 1971

The special meeting of the Council of the Township of Marlboro was called to order at 9 P.M. on Tuesday, August 31, 1971 in the parking lot of Marlboro Elementary School, Marlboro Township, New Jersey.

ROLL CALL: Present: Councilmen Czerny, Grossman,
Williams and Herman
Absent: Council Pres. McLaughlin

Also present was Mayor Morton Salkind, Attorney Joseph Grabler (filling in for Township Attorney James R. Minogue) and Clerk Mildred Ackerman.

The Mayor read his letter to Council dated August 27, 1971 as follows:

"In accordance with the provisions of N.J.S.A. 40:69A-179, I, Morton Salkind, Mayor of the Township of Marlboro, do hereby call a special meeting of the Township Council at 9:00 P.M., Tuesday, August 31, 1971 at the Marlboro Elementary School, School Road West, Marlboro, New Jersey for the purpose of:

1. consideration and adoption of a resolution concerning a public hearing on the alignment of the proposed Route 18.
2. Any other matters specifically related to Route 18 and its location in the Township of Marlboro."

Your attendance at this meeting is urgently requested."

The Mayor spoke of the close proximity of proposed Route 18 to homes in the Monmouth Heights and Whittier Oaks East developments and of the fact that none of the homeowners were living in the developments when the original public hearings on the highway were held back in 1964. He read the following resolution which he proposed Council adopt:

RESOLUTION

"WHEREAS, the State of New Jersey, Department of Transportation has announced plans to proceed with the construction of Route 18 through the Township of Marlboro, and

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WHEREAS, the State concluded public hearings on the subject in the year 1964, and

WHEREAS, homes purchased by people in the last three years and built during that period and located in close proximity to the proposed Route 18, causing severe hardship, pollution and mental anguish, and

WHEREAS, the occupants of said homes who are property owners and taxpayers of the Township of Marlboro did not have the opportunity to be heard during the 1964 public hearings, now, therefore,

BE IT RESOLVED by the Council of the Township of Marlboro, that the State of New Jersey, Department of Transportation, is hereby petitioned by the government of the Township of Marlboro to re-open the formal public hearings forthwith at a location within the Township of Marlboro in facilities to be provided by the office of the Mayor at the convenience as to date and time of the officials of the Department of Transportation."

The Mayor applauded the work done by the Route 18 Committee headed by Mr. Spencer Halper and said the special meeting was called tonight because it was felt that if the Council went on formal resolution asking for the public hearings to be opened it would materially aid this cause.

Council thanked the Mayor for his proposed resolution, but indicated the township attorney had prepared a Council resolution.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #184-71

"WHEREAS, two major residential developments in the Township of Marlboro abut the right-of-way of proposed Route 18, the easterly sub-division known as Monmouth Heights and the westerly sub-division known as Whittier Oaks East; and

WHEREAS, said sub-divisions were approved by the Township of Marlboro in 1963 at which time the alignment of proposed Route 18 had not been determined; and

WHEREAS, the final map showing the alignment of proposed Route 18 was not filed with the Township of Marlboro pursuant

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to statute until July 1969, which map indicates the encroachment of a portion of the above two sub-divisions into the right-of-way of proposed Route 18, thereby placing existing and proposed residences in close proximity to the right-of-way of the proposed highway; and

WHEREAS, the Department of Transportation in its decision to locate proposed Route 18 should have taken into consideration the location of the above two sub-divisions and, in the opinion of this Council, could have shifted the road alignment farther north in the case of the Whittier Oaks East sub-division and farther south in the case of the Monmouth Heights sub-division; and

WHEREAS, the present residents of the Whittier Oaks East subdivision and the Monmouth Heights sub-division had no opportunity at the public hearing held in 1964 on the alignment of proposed Route 18 to voice their objections to same, and said residents have made known to Council their objections to the construction of this highway in close proximity to their homes with the resulting noise, air pollution and reduction in property values;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Council go on record as being opposed to the present alignment of proposed Route 18 as it effects the Whittier Oaks East and Monmouth Heights sub-divisions, and that petition is hereby made to Honorable John C. Kohl, Commissioner, Department of Transportation, Trenton, New Jersey that a public hearing be held in the Township of Marlboro forthwith for the purpose of hearing the objections of residents of the Township of Marlboro concerning the proposed alignment, and that following said public hearing, all necessary steps be taken to re-align proposed Route 18 pursuant to the requests of the residents of the Township of Marlboro; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Governor of the State of New Jersey; to Honorable John C. Kohl, Commissioner of the Department of Transportation, to Senators Stout and Beadleston; to Assemblymen Azzolina, Dawes and Robertson; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the office of Senator Clifford B. Case, Senator Harrison Williams and to Congressman James J. Howard."

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Seconded by Councilman Williams.

Discussion: Councilman Grossman faulted the developers for not informing the purchasers of these homes that they were in such close proximity to the highway.

The Mayor agreed with Councilman Grossman and said in his opinion the State Department of Transportation had proceeded properly as far as they were concerned and made reference to Gov. Cahill's letter to him in January stating he did not understand how the developers could have been permitted to do this and at the very least they should have re-subdivided the area. The Mayor said he is very pleased everyone is speaking with one voice on the subject and suggested John Volpe, Secretary of the U.S. Department of Transportation also be sent a certified copy of the resolution.

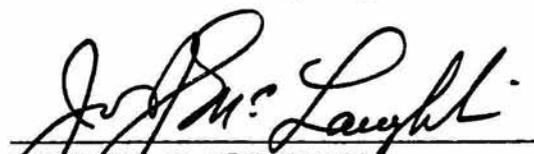
Councilman Grossman moved that the name of John Volpe Secretary of the U.S. Department of Transportation be added to the resolution. Motion seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

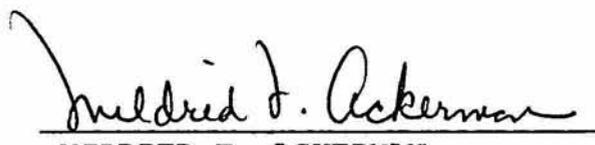
The Mayor then introduced Assemblyman John Dawes, who spoke briefly saying he hoped to have a reply for the people in Marlboro shortly.

Following several comments by Councilmen Grossman, Herman, Czerny and members of the public (including Messrs. Robert French, Lou Fine, Spencer Halper and Leonard Schleicher) the resolution was adopted unanimously on a roll call vote by those present.

Motion to adjourn the meeting was made by Councilman Grossman, seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

The meeting adjourned at 9:45 P.M.


JOHN J. McLAUGHLIN,
Council President


MILDRED F. ACKERMAN,
Clerk

Minutes approved: 10/18/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING - SEPTEMBER 9, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President McLaughlin on Thursday, September 9, 1971 at 8:25 P.M. in the Marlboro Elementary School, School Road West, Marlboro.

Council President McLaughlin apologized for the late start of the meeting. Following the Salute to Our Flag the roll was called.

ROLL CALL: Present: Councilmen Grossman, Williams and McLaughlin (Councilman McLaughlin left the meeting at 11:15 P.M.)

Absent: Councilmen Czerny and Herman.

Also present were Mayor Morton Salkind, Clerk Mildred Ackerman and Deputy Clerk Teresa R. Eldridge. Township Attorney James R. Minogue arrived at approximately 9:20 P.M. (Clerk Mildred Ackerman left the meeting at 11:15 P.M.).

Council President McLaughlin briefly reviewed the agenda.

PUBLIC HEARING: Ordinance #14-71 AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT CONTAINED THEREIN (Copy of Ordinance is attached hereto as exhibit "A")

Reprints of the ordinance were available to the public.

Council President McLaughlin proposed a motion that due to the presence of only three Councilmen that the Public Hearing on Ordinance 14-71 be postponed until the next regular Council Meeting of September 23, 1971 at 8 P.M. So moved by Councilman Grossman and seconded by Councilman Williams.

DISCUSSION: Mayor Salkind asked if all the members of Council had received the report of his staff on the Codification and after he was assured that it had been received he thanked Mr. John Bennett and Mrs. Sheila Gross for their efforts on preparing the report. Councilman Grossman suggested that more time was needed to work on the Codification and he requested that the Township Attorney furnish Council with every change

Ordinance #14-71
AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT CONTAINED THEREIN.

WHEREAS, the Council of the Township of Marlboro, County of Monmouth, New Jersey, has heretofore determined that it is in the public interest to undertake the codification and revision of the general ordinances of the Township of Marlboro; and

WHEREAS, pursuant to said determination, it has caused its ordinances of a general and permanent nature to be compiled and revised, and the same embodied in a revision and codification known as the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey"; and

WHEREAS, pursuant to N.J.S.A. 40:49-4, the governing bodies of municipalities may provide for the revision and codification of their ordinances; and

WHEREAS, the enactment of this ordinance, providing for the codification of the ordinances of a general and permanent nature, will promote the general welfare of the Township of Marlboro and its citizens;

Now, therefore, be it ordained by the Council of the Township of Marlboro, County of Monmouth and State of New Jersey as follows:

§ 1-1. Adoption of Code.

A. Pursuant to N.J.S.A. 40:49-4, there is hereby adopted by Council of the Township of Marlboro a revision and codification of its ordinances known as "The Code of the Township of Marlboro, County of Monmouth and State of New Jersey," of which not less than one (1) copy has been made and is now filed in the office of the Clerk of the township, and the same is hereby adopted and incorporated as fully as if set out herein, and, from the date this ordinance shall take effect, the provisions shall be controlling.

B. The copy of the revision and codification of the ordinances of the Township of Marlboro above referred to as being filed in the office of the Clerk of the township shall remain in said office for the use and examination of the public until final action is taken upon this ordinance and thereafter while the same shall be in effect.

§ 1-2. Provisions considered as continuations of existing ordinances; proviso.

The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, shall be considered continuations of such ordinances and not new enactments; provided, however, that in the event of any conflict between the provisions of this Code and the provisions of a heretofore existing ordinance, the wording of the provisions as contained in this Code shall, from and after the effective date of this ordinance, be controlling.

§ 1-3. When effective.

All provisions of the Code of the Township of Marlboro, County of Monmouth and State of New Jersey shall be in full force and effect on and after the effective date of this ordinance.

§ 1-4. Definitions.

A. Terms used in this Code, unless otherwise specifically defined, have the meanings prescribed by the Revised Statutes of New Jersey for the same terms.

B. Terms used in this Code have the following meanings:

CHARTER — The Mayor-Council Plan E, Article 7 of the Optional Municipal Charter Law (N.J.S.A. 40:69 A-1 et seq.) as amended.

COUNTY — County of Monmouth.

DEPARTMENT — An organizational unit of the government established or designated as a department.

GENERAL LAWS — Any law or provision of law of the State of New Jersey not inconsistent with the aforesaid Optional Municipal Charter Law, heretofore or hereafter enacted, which is by its terms applicable or available to all municipalities and the following additional laws, whether or not such additional laws are so applicable or available to all municipalities, legislation relating to taxation, local courts, education, health, public authorities serving more than one municipality and municipalities in unsound financial condition.

ORDINANCES — The ordinances of the Township of Marlboro and all amendments thereto.

PERSON — Any natural individual, firm, trust, partnership, association or corporation. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof, and, as applied to corporations, includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE — State of New Jersey.

TOWNSHIP — The Township of Marlboro, in the County of Monmouth and State of New Jersey.

TOWNSHIP COUNCIL OR COUNCIL — The Governing Body of the Township of Marlboro.

§ 1-5. Repeal of certain ordinances.

All ordinances of a general and permanent nature adopted prior to July 8, 1971, and not contained in the Code of the Township of Marlboro, Monmouth County, New Jersey, are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in § 1-6, and excepting all ordinances of a general and permanent nature adopted on and after July 8, 1971, which such ordinances shall be included in this Code as replacement pages as a part of the Code.

§ 1-6. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provisions of the Township of Marlboro prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township of Marlboro, or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Township of Marlboro.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township of Marlboro.

E. Any ordinance of the Township of Marlboro providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Township of Marlboro.

F. Any ordinance or resolution of the Township of Marlboro appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township of Marlboro of other instruments or evidence of the township's indebtedness.

G. Ordinances authorizing the purchase, sale, lease or transfer of property of any lawful contract or obligation.

H. The levy or imposition of taxes, assessments or charges.

I. Any ordinance authorizing local improvements.

J. The resolutions of the Council not in conflict or inconsistent with the provisions of this Code.

K. Any provision of an ordinance or resolution of the Council of the township creating employments, positions or offices and fixing duties therefor which are not provided for in the Code of the Township of Marlboro, Monmouth County, New Jersey, and which are not in conflict or inconsistent therewith.

L. Any provision of an ordinance or resolution of the Council of the township fixing the compensation or salaries of township officials and employees or the pay and compensation of positions and clerical employments.

M. Any ordinance or provision of any ordinance establishing or creating any office or position in the Township of Marlboro, or establishing or creating any fees or providing for the general fines or penalties.

N. Any ordinance or resolution not of a general or permanent nature and not incorporated in the Code.

O. Any ordinance regulating the operation or parking of motor vehicles in the Township of Marlboro.

P. An ordinance relating to buildings unfit for human habitation adopted March 26, 1959.

Q. An ordinance to establish a Police Department and providing for the regulation, control and management of a police force in the Township of Marlboro adopted June 14, 1962, as amended and supplemented.

R. An ordinance establishing rules, regulations and standards for the subdivision of land in the Township of Marlboro adopted July 23, 1959 and included in the codification adopted December 28, 1961 as amended and supplemented.

S. An ordinance regulating and licensing the establishment and operation of trailer coach parks in the Township of Marlboro adopted May 17, 1955, as amended and supplemented.

§ 1-7. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances of the Township of Marlboro for adoption and revision as part of the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Council of the Township of Marlboro that all such changes be adopted as part of the Code of the Township of Marlboro,

County of Monmouth, State of New Jersey, as if the ordinances so changed had been previously formally amended to read as such.

B. In the course of the codification and revision of the ordinances of the Township of Marlboro, certain legally adopted ordinances have been revised and rearranged without any changes in the substantive provisions thereof being effected, and it is the intent of the Council of the Township of Marlboro that on and after the effective date of this ordinance such ordinances, as so revised and rearranged and as included in the chapters listed below, shall continue in full force and effect as chapters of the Code of the Township of Marlboro, and the Council of the Township of Marlboro hereby readopts such ordinances as chapters of the Code of the Township of Marlboro. Specific amendments to the provisions of these chapters will be further referred to in Subsection C of this section:

- Chapter 14. Township Clerk.
- Chapter 25. Municipal Court.
- Chapter 37. Municipal Utilities Authority.
- Chapter 53. Alcoholic Beverages.
- Chapter 61. Dogs and Dog Establishments.
- Chapter 69. Health Nuisances (revised to include basic provisions of Public Health Nuisance Code of New Jersey).
- Chapter 76. Peddling, Hawking, Canvassing and Soliciting.
- Chapter 80. Publications, Prohibited.
- Chapter 83. Refuse (revised to include basic provisions of Solid Waste Code of New Jersey).
- Chapter 87. Sewer Connections.
- Chapter 89. Soil Removal.
- Chapter 91. Street Openings and Excavations.
- Chapter 95. Swine (revised to include basic provisions of Maintenance of Swine Code of New Jersey).
- Chapter 103. Water System Connections.

C. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance.

- (1) In Chapter 16, Council, § 16-5, providing for the agenda of meetings, and § 16-6, relating to citizen participation in meetings, are added herewith.
- (2) In Chapter 25, Fire Department and Fire Districts, § 25-2, designating the fire districts in the township, is added herewith on the basis of resolutions adopted November 8, 1962 and December 13, 1962.
- (3) In Chapter 35, Municipal Court, the following amendments are made:
 - (a) Section 35-2B is added to provide for the taking of an oath of office by the Judge of the Municipal Court.
 - (b) Section 35-4 is amended to provide for, in addition to a Clerk of the Court, other necessary clerical and other assistants to be provided for by resolution of the Council and to be appointed by the Council.
 - (c) Section 35-5 is amended to provide for the holding of the Court at such places within the township as are designated by resolution of the Council and to provide for the posting of a notice of the location and times of the Court.
- (4) In Chapter 42, Planning Board, § 42-10, providing for appeals to the Township Council from decisions of the Planning Board, is added herewith.
- (5) In Chapter 50, Zoning Board of Adjustment, § 50-1C is amended to change the terms of alternate members from three (3) years to five (5) years.
- (6) In Chapter 53, Alcoholic Beverages, § 53-5, relating to the consumption of alcoholic beverages in vehicles and public places, and § 53-6, providing penalties for violations, are added herewith.
- (7) In Chapter 56, Building Construction, the following amendments are made:
 - (a) Section 56-1 is amended to provide for the adoption by reference of the BOCA Basic Building Code, 1970 edition.
 - (b) Section 56-28 is amended to provide that a violation will be punishable by a fine of not more than five hundred dollars (\$500.) or by imprisonment for a term of not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the

- Court having jurisdiction.
- (c) Section 56-45 is amended to correct the reference to the section of the BOCA Basic Building Code, 1970 edition, being amended.
- (8) In Chapter 61, Dogs and Dog Establishments, § 61-2A is amended to increase the registration tag fee to fifty cents (\$0.50) per year.
- (9) In Chapter 69, Health Nuisances, § 69-7 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).
- (10) In Chapter 78, Plumbing Standards, § 78-5 is amended to revise the penalty for a violation to a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.) for each offense.
- (11) In Chapter 83, Refuse, § 83-7 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).
- (12) In Chapter 86, Sewage Disposal Systems, Individual, § 86-11 is amended to revise the penalty for a violation to a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.) for each offense.
- (13) In Chapter 87, Sewer Connections, § 87-6 is added to provide for a fine not to exceed fifty dollars (\$50.) or for imprisonment not to exceed ten (10) days, or both, for each offense, and to provide for an additional fine of ten dollars (\$10.) per day for each day of delay after thirty (30) days of receipt of written notice to make connection to a public sewer line.
- (14) In Chapter 89, Soil Removal, the following amendments are made:
- (a) Section 89-8 is added to provide for appeals from ruling of the Division of Licenses and Permits to the Township Council.
 - (b) Section 89-13 is added to provide for hours of operation of soil removal operations.
 - (c) Section 89-14 is added to provide for the renewal of soil removal permits.
 - (d) Section 89-15 is amended to increase the maximum fine for a violation to five hundred dollars (\$500.).
- (15) In Chapter 91, Street Openings and Excavations, the following amendments are made:
- (a) Section 91-5 is amended to require a permittee to provide an insurance policy for the benefit of the township.
 - (b) Section 91-10A is amended to require fire hydrants to be kept unobstructed.
 - (c) Section 91-18 is amended to increase the maximum fine for a violation to five hundred dollars (\$500.).
- (16) In Chapter 95, Swine, § 95-10 is amended to provide that a violation will be punishable by a fine of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.).
- (17) In Chapter 103, Water System Connections, § 103-3 is amended to provide as an additional or alternative penalty for a violation a term of imprisonment not exceeding ten (10) days.
- (18) In Chapter 106, Zoning, § 106-20J is amended to change the maximum height of accessory buildings from forty (40) feet to fifteen (15) feet.

§ 1-8. Additions and amendments to Code.

Any and all additions, amendments or supplements to the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, when passed and adopted in such form as to indicate the intention of the Council for them to be a part thereof, shall be deemed to be incorporated into such Code, so that reference to "The Code of the Township of Marlboro, County of Monmouth, State of New Jersey" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code of the Township of Marlboro, County of Monmouth, State of New Jersey shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code as amendments and supplements thereto.

§ 1-9. Code Book to be kept up to date. It shall be the duty of the Township Clerk or someone authorized and directed by the Council to keep up to date the certified copy of the book containing the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, required to be filed in the office of the Township Clerk for the use of the public. All changes in said Code, and all ordinances adopted by the Council subsequent to July 8, 1971 which the Council shall adopt specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements

to said Code Book, at which time such supplements shall be inserted therein.

§ 1-10. Sale of Code Book; supplements provided.

Copies of the Code Book containing the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, may be purchased from the Clerk of the Township of Marlboro, upon the payment of a fee to be set by resolution of the Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 1-11. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-12. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-13. Captions of sections.

The captions of the several sections of the Code of the Township of Marlboro, County of Monmouth, State of New Jersey, printed in bold-face type, are intended as mere catchwords to indicate the content of the sections and shall not be deemed or taken to be titles of such sections or as any part of such sections, nor shall they be deemed to be such when any of such sections, including the captions, are amended or reenacted unless expressly so provided in the amendment or reenactment.

§ 1-14. Ordinances covered by revision and codification.

Only general ordinances adopted by the Council of the Township of Marlboro are meant to be included in the revision and codification and not ordinances covering bond issues, finances, assessments, franchises, annexations and similarly specific ordinances which are limited in scope and application.

§ 1-15. General penalty provisions.

A. Whenever, in the revision and codification or in any other ordinance of the township, or rule, regulation or order promulgated by any officer or agency of the township under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provisions of the revision and codification or of any other ordinance of the township, or of any rule, regulation or order, as aforesaid, shall be punishable by a fine not exceeding five hundred dollars (\$500.) or by imprisonment in the county jail for a term not exceeding ninety (90) days, or be punishable by both such fine and imprisonment; provided, however, that where the penalty for any particular offense is limited by state statute, then such limitation shall be applicable to the provisions of the revision and codification and other ordinances of the township or rule, order or regulation, as aforesaid, notwithstanding the provisions of this section.

B. Each day any violation of the revision or codification or of any other ordinance of the township, or any rule, regulation or order, as aforesaid, shall continue, shall constitute a separate offense.

C. Whenever any such fine be imposed upon any corporation, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

§ 1-16. Altering or tampering with Code; penalties for violations.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Marlboro, County of Monmouth, State of New Jersey to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than five hundred dollars (\$500.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Judge imposing the same.

§ 1-17. Effective date of ordinance.

This ordinance shall take effect twenty days after the first publication thereof after final passage pursuant to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on July 8, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School on August 12, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
 MILDRED F. ACKERMAN, Clerk (\$266.24) 7823

1600

to all the ordinances. He moved to amend the motion on the floor to postpone the Public Hearing on the Codification until October 14th, 1971. Seconded by Councilman Williams and carried. Motion as amended was thereafter passed unanimously on a roll call vote by those present.

PUBLIC HEARING: Ordinance #15-71 AN ORDINANCE AMENDING #11-71 KNOWN BY ITS SHORT TITLE AS "THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY", INTRODUCED AND PASSED ON FIRST READING BY THE COUNCIL OF THE TOWNSHIP OF MARLBORO ON MAY 27, 1971 (Copy of the Ordinance is attached hereto as exhibit "B")

Reprints of the ordinance were available to the public.

Council President McLaughlin asked for a motion to postpone the Public Hearing on Ordinance #15-71 to September 23rd, 1971 at 8:00 P.M. at Marlboro Elementary School due to the presence of only three Councilmen. Motion so moved by Councilman Grossman. Seconded by Councilman Williams and after a brief discussion the motion was carried unanimously by those present on a roll call vote.

PUBLIC HEARING: Ordinance #16-71 AN ORDINANCE AMENDING ORDINANCE #2-71, AN ORDINANCE FIXING THE SALARIES OF "THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO" (1971) AND FIXING ADDITIONAL TERMS OF COMPENSATION OF THE OFFICERS AND MEMBERS OF THE POLICE DEPARTMENT (Copy of the Ordinance is attached hereto as exhibit "C")

Reprints of the Ordinance were available to the public. Council President opened the public hearing to the public.

Mr. Austin Ludlow, 13 Concord Rd., Marlboro asked if the people affected by the ordinance were subject to the wage freeze and what percentages were involved. Mayor Salkind explained that this was the result of negotiation and of agreement by both parties. He asked that the ordinance be passed but explained that it could not be implemented as to the police salaries until the wage freeze is ended.

Mr. Leonard Gross, 2 Lindsay Drive, Morganville said he felt the people involved were certainly entitled to the salary increase for the first six months.

Mr. Ed Adams, Emerson Drive, Morganville asked if there are any ramifications of having any ordinance on the books that would be violated.

Mr. Martin Powers, 34 Halifax Drive, Morganville referred to

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ORDINANCE #15-71 AN ORDINANCE AMENDING ORDINANCE #11-71 KNOWN BY ITS SHORT TITLE AS "THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY", INTRODUCED AND PASSED ON FIRST READING BY THE COUNCIL OF THE TOWNSHIP OF MARLBORO ON MAY 27, 1971.

BE IT ORDAINED, by the Council of the Township of Marlboro that Ordinance #11-71, known by its short title as "The Land Subdivision Ordinance of the Township of Marlboro, Monmouth County, New Jersey", introduced and passed first reading May 27, 1971 be amended as follows:

SECTION ONE: Article IV, Section 419 is amended to read as follows: 419 SUBDIVISION - MINOR A subdivision meeting certain specified standards and for which approval as a minor subdivision has been granted by the Planning Board.

SECTION TWO: Article V, Section 501 is amended to read as follows:

501 INFORMAL DISCUSSION WITH THE PLANNING BOARD Any person who desires to subdivide land within Marlboro Township except land to be subdivided pursuant to a minor subdivision shall, prior to submitting an Application for Subdivision, appear at a regular meeting of the Planning Board, or at any other time designated by the Planning Board, for informal discussion of the proposed subdivision. It is advisable at the informal discussion that the subdivided informally submit or have available an outline map of the property to be subdivided which includes information of similar detail and accuracy as those required for a sketch plat. During the informal discussion the proper procedure for submission of the proposed subdivision will be discussed with the subdivider, and general guidelines shall be established for the subdivider to follow in developing the plan to be depicted in the sketch plat. Particular attention shall be paid to the location of streets and open space areas, circulation, drainage and any provisions of the Master Plan or Official Map which may affect the general design of the subdivision.

SECTION THREE: Article V, Section 502.1 is amended to read as follows:

502.1 SUBMISSION OF SKETCH PLAT Filing of Sketch Plat: Any subdivider desiring to proceed with the subdivision or resubdivision of land within the Township of Marlboro, excepting a subdivision which qualifies as a minor subdivision shall file with the Municipal Clerk a translucent reproducible master copy of a sketch plat prepared in accordance with the requirements of Article VI, Section 601, of this Ordinance, together with a minimum of twenty (20) black or blue on-white, or white-on-blue prints of the sketch plat, and together with five (5) completed application forms for sketch plat approval.

SECTION FOUR: A Section 502.5.4 (Article V) is added to read as follows: 502.5.4 Where the Planning Board finds by resolution setting forth its reasons that reports from any or all of the boards or agencies as set forth in Sections 502.4.9 to 502.4.11 inclusive and that comments and suggestions from adjoining property owners as provided for in Section 502.6 are not required for its decision on sketch plat approval, and further finds that the 45 day period set forth in Section 502.5 may be waived, the Planning Board may approve or disapprove said sketch plat upon receipt of the reports required by Sections 502.5.1, 502.5.2 and 502.5.3.

SECTION FIVE: Article V, Section 502.8 is amended to read as follows:

502.8 Planning Board Action: The Planning Board shall act on the proposed sketch plat of a subdivision no sooner than the first regular meeting of the Planning Board following forty-five (45) days from the date of submission of the Application of Sketch Plat Approval (except where said time limit has been waived pursuant to Section 502.5.4) or no later than the third regular meeting of the Planning Board following forty-five (45) days from the date of submission of the Application for Sketch Plat Approval. The action of the Planning Board on the sketch plat of a subdivision shall be in the form of a written resolution prepared by the Planning Board Attorney and approved by a majority of the Planning Board members present at the meeting at which the resolution is considered and shall indicate one of the following actions:

SECTION SIX: Article V, Section 502.11 and 502.12 are added to read as follows:

502.11 Favorable Recommendation by Planning Board of Sketch Plat: If the Planning Board recom-

mends approval of a sketch plat, a notation to that effect shall be made on the translucent reproducible master copy of the sketch plat and shall be signed by the Chairman and Secretary of the Planning Board. The signed master copy of the sketch plat shall be submitted to and be retained by the Municipal Clerk; six (6) prints of the Planning Board resolution shall be forwarded to the Municipal Clerk for the consideration of the Governing Body.

502.12 Action by Governing Body: The Township Council shall, by resolution, approve or disapprove the favorably recommended sketch plat not later than the second regular meeting of the Township Council following receipt from the Planning Board of the favorably recommended sketch plat for approval.

502.12.1 Approval: Approved sketch plats shall be distributed in accordance with the provisions of Article V, Section 502.13, for further compliance with Sections 504, 505 and 506 of this Article.

502.12.2 Disapproval: If the Governing Body disapproves a sketch plat, a notation to that effect shall be made on the translucent reproducible master copy and shall be signed by the Mayor and Municipal Clerk. The Municipal Clerk shall, within two weeks following the date of disapproval by the Governing Body of the favorably recommended sketch plat, send, by certified mail, addressed to the subdivider at the address given in the subdivision application, a print of the disapproved sketch plat and a copy of the Council's resolution disapproving the sketch plat. The translucent reproducible master copy, one print of the disapproved sketch plat and copies of the Planning Board and Governing Body resolutions shall be kept on file by the Municipal Clerk.

Further consideration of a disapproved sketch plat shall require resubmission of a sketch plat and subdivision application in the same manner as the original sketch plat.

SECTION SEVEN: Article V, Section 502.13 is amended to read as follows:

502.13 Distribution of Approved Sketch Plat: The Municipal Clerk shall, within two weeks following approval of a sketch plat by the Governing Body, provide for one copy each of the approved sketch plat, Planning Board resolution and Township Council resolution to be forwarded to each of the following:

- 502.13.1 Planning Board Secretary
502.13.2 Planning Board Engineer
502.13.3 Township Engineer
502.13.4 Subdivider

The Municipal Clerk shall keep on file the original application form and translucent reproducible master copy, as well as the approved translucent reproducible master copy of the approved sketch plat and one copy each of the Planning Board resolution and Township Council resolution.

SECTION EIGHT: Article V, Section 503.2 is amended to read as follows:

503.2 Filing for Application for Approval as a Minor Subdivision: Any subdivider whose subdivision meets the qualifications of Article V, Section 503.1 above, may file an Application for Approval as a Minor Subdivision in duplicate with the Municipal Clerk together with a translucent reproducible master copy of a sketch plat prepared in accordance with the requirements of Article VI, Section 601, of this Ordinance together with a minimum of ten (10) black or blue-on-white, or white-on-blue prints of the sketch plat. At the time of filing an Application for Minor Subdivision Approval the subdivider shall pay to the Municipal Clerk a fee of Twenty-five dollars (\$25) plus an additional fee of Ten dollars (\$10) for each acre or fraction thereof included with the subdivision to defray the costs of processing the application. Such fees shall be payable to the Township of Marlboro and shall be deposited by the Municipal Clerk in the same manner as other revenues by the Township.

Upon receipt of an Application for Minor Subdivision Approval and payment of the required fees the Municipal Clerk shall issue an application number. Once such a number has been issued it shall appear on all maps, plats, papers, correspondence or other documents submitted in connection with the processing of the subdivision.

Upon receipt of the required fees and documents, the Municipal Clerk shall notify the Secretary of the Planning Board of the submission of the Application for Minor Subdivision Approval and shall, within one week from the date upon which the required fees are paid, provide for the following distribution of the sketch plat and application forms:

- 503.2.1 Municipal Clerk: Translucent reproducible master copy of the sketch plat, two prints of the sketch plat and one application form to be kept on file.
503.2.2 Secretary of Planning Board: Two prints of the sketch plat and two application forms.
503.2.3 Chairman of the Planning Board: One print of the sketch plat and one application form.
503.2.4 Planning Board Engineer: One print of the sketch plat.
503.2.5 Municipal Utilities Authority: One print of the sketch plat.
503.2.6 Planning Consultant: One print of the sketch plat.

SECTION NINE: Article V, Sections 503.3.1, 503.3.2 and 503.3.3 are deleted.

SECTION TEN: Article V, Section 503.3 is amended to read as follows:

503.3 Planning Board Action: The Planning Board shall approve or disapprove the Application for Approval as a Minor Subdivision. If the Minor Subdivision is approved by the Planning Board, by resolution, and conditioned upon the payment of the fees specified in Section 503.5 of this Article, a notation to that effect shall be made on the translucent reproducible master copy of the sketch plat and the same shall be signed by the Mayor and Municipal Clerk. No further approval of the subdivision by any agency of the Township shall be required and the provisions of Sections 504, 505 and 506 of this Article shall be waived.

SECTION ELEVEN: Article V, Section 503.4.1 and 503.4.2 are deleted.

SECTION TWELVE: Article V, Section 503.4 is amended to read as follows:

503.4 Disapproval: If the Minor Subdivision is disapproved by the Planning Board, such disapproval shall be accompanied by a resolution of the Planning Board stating the reasons for disapproval. The disapproval action of the Planning Board shall be noted on the translucent reproducible master copy and signed by the Mayor and Municipal Clerk.

SECTION THIRTEEN: Article V, Section 503.5 is amended to read as follows:

503.5 Fees: After approval of a Minor Subdivision by the Planning Board, the subdivider shall pay to the Township of Marlboro a fee of Ten dollars (\$10) plus Ten dollars (\$10) for each lot in the approved subdivision, to defray the cost of reproducing copies of the approved translucent master copy of the approved sketch plat for distribution in accordance with Section 503.6 of this Article, and to defray the cost of making necessary changes in the Municipal Tax Maps. Until such fee is paid by the subdivider, the Municipal Clerk shall not distribute the approved sketch plat.

SECTION FOURTEEN: Article V, Section 503.6 and Sections 503.6.1 through 503.6.10 are amended to read as follows:

- 503.6 Distribution of Approved Minor Subdivision Plat: The Municipal Clerk shall, within two weeks following the approval of a Minor Subdivision by the Planning Board, provide for one copy of the approved plat and Planning Board resolution to be forwarded to each of the following:
503.6.1 Building Inspector
503.6.2 Planning Board Engineer
503.6.3 Tax Assessor
503.6.4 Township Engineer
503.6.5 County Planning Board
503.6.6 Subdivider
503.6.7 Other persons or agencies as may be specified by the Township Council.

The Municipal Clerk shall keep on file the approved translucent reproducible master copy of the Minor Subdivision plat, one copy of the approved Minor Subdivision plat and a copy of the Planning Board resolution.

SECTION FIFTEEN: Article V, Section 503.7 is amended to read as follows:

503.7 Recording of Subdivision: If the subdivider desires to proceed with a subdivision for which approval as a minor subdivision has been granted by the Planning Board, he shall file with the County Recording Officer either a deed drawn in compliance with Chapter 358 of the Laws of 1953 or a plat map drawn in compliance with Chapter 141 of the Laws of 1960, as amended and supplemented within ninety (90) days from the date of approval by the Planning

Board. The subdivider shall, within one week after filing or recording the subdivision with the County Recording Officer, notify, in writing, the Municipal Clerk of the date of filing of the subdivision with the County Recording Officer and the case and sheet or page number for the filed plat or deed. In the event the subdivider fails to so file within ninety (90) days of the date of approval by the Planning Board, the approval of the plat shall expire, unless such time is extended by the Planning Board for a period not to exceed ninety days for good cause shown, and any further consideration shall require resubmission of the Application for Approval of a Minor Subdivision.

SECTION SIXTEEN: A Section 504.4.3 (Article V) is added to read as follows:

504.4.3 Where the Planning Board finds by resolution setting forth its reasons that reports from any or all of the boards or agencies as set forth in Sections 504.3.9 to 504.3.11 inclusive (except reports required by statute) are not required for its decision on tentative approval, and further finds that the 45 day period set forth in Section 504.4 may be waived, the Planning Board may approve or disapprove said preliminary plat upon receipt of the reports required by Sections 504.4.1 and 504.4.2 following the public hearing required by Section 504.5.

SECTION SEVENTEEN: Article V, Section 504.5 is amended to read as follows:

504.5 Date of Public Hearing: The Planning Board, at its first meeting following receipt of the Application for Tentative Approval of a Preliminary Plat by the Secretary of the Planning Board, shall set the date of the public hearing by the Planning Board on the preliminary plat. The public hearing shall be held on a date no later than 90 days from the date of submission of the Application for Tentative Approval of a Preliminary Plat. The Secretary of the Planning Board shall notify the subdivider of the date set for the public hearing. Such notice shall be given to the subdivider by certified mail no later than three weeks prior to the date set for the public hearing.

SECTION EIGHTEEN: Article VII, Sections 702.11 and 702.12 are amended to read as follows:

702.11 STREET LIGHTING. Street lights shall be of a type approved by resolution of the Planning Board and by the electric utility company serving the proposed subdivision; and located so as to provide a minimum lighting level of 0.5 horizontal foot candles on all local streets and 1.0 horizontal foot candles on all minor and major collector and arterial streets. The subdivider shall pay the full cost for initial installation of any street lights. After final acceptance, operation and maintenance costs shall be the responsibility of the Township.

702.12 STREET SIGNS: Street signs shall be of a type, size and legend approved by resolution of the Planning Board and shall be properly installed at each street intersection. Street signs shall be placed two per intersection, on the near right hand corner as viewed from the street which is expected to carry the greatest traffic through the intersection. Mountings shall be subject to the approval of the Planning Board. Street signs shall be placed before any certificate of occupancy for houses on the subject street are issued.

SECTION NINETEEN: Upon final adoption; this ordinance and ordinance #11-71 as amended by this ordinance shall constitute Chapter 92 of the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey". Sections may be re-numbered to conform with the structure of the Code.

SECTION TWENTY: This ordinance shall take effect on final passage, approval and publication according to law.

NOTICE Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on August 12, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on September 9, 1971 at Marlboro Elementary School, School Road West, Marlboro, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk (\$200.32)

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**ORDINANCE #16-71
AN ORDINANCE AMENDING ORDINANCE #2-71, AN ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO (1971) AND FIXING ADDITIONAL TERMS OF COMPENSATION OF THE OFFICERS AND MEMBERS OF THE POLICE DEPARTMENT.**

BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, New Jersey:

Section 1. Ordinance #2-71 known as the 1971 Salary Ordinance be amended by adding the following salary provisions to the Division of Police and Division of Welfare which salaries shall be retroactive from January 1, 1971:

Division of Police	
Chief of Police	\$12,200 per annum
Lieutenant	\$11,200 per annum
Sergeant	\$10,200 per annum
Detective	\$ 9,900 per annum
Patrolman—	
1st Class	\$ 9,400 per annum
Patrolman—	
2nd Class	\$ 8,750 per annum
Patrolman—	
Probationary	\$ 7,800 per annum
Division of Welfare	
Case Worker	\$ 50 per month

Section 2. The hours of employment of the uniformed members and officers of the police department shall not exceed 8 continuous hours in any one day nor more than 40 hours in any one week. No such member or officer shall be required to perform any police duty which would involve more time than herein specified except, in cases of emergency. "Emergency", as used herein shall include any unusual conditions caused by any circumstances or situation including shortages in the personnel of the police department caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the chief of police, after consultation with the director of the Division of Police.

Section 3. Where possible, uniformed members and officers of the police department shall be given compensatory time off for emergency duty. Any emergency duty not compensated for by time off remaining at the end of any quarter of the calendar year shall be compensated for by payment at the prevailing salary rate, except that in 1971 only, emergency duty not compensated by time off shall be compensated by payment at the prevailing salary rate as of December 1, 1971.

Section 4. Whenever any member or officer of the police department shall be required to appear before any grand jury or at any County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours, he shall receive either compensatory time off from his regular duty hours or additional compensation at his prevailing salary rate.

Section 5. The provisions of Sections 2, 3 and 4 of the within ordinance, upon final adoption, shall become a part of Chapter 43 of the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey."

Section 6. This ordinance shall take effect on final passage, approval and publication according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on August 12, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on September 9, 1971 at Marlboro Elementary School, School Road West, Marlboro, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk
(\$40.32) 8866

Section 2 and asked for an explanation of same.

Mr. Ludlow wanted to know if the Mayor was the Director of Police.

Councilman Grossman made a motion to close the Public Hearing on Ordinance #16-71. Seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #185-71

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

Ordinance #16-71

"AN ORDINANCE AMENDING ORDINANCE "2-71, AN ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO (1971) AND FIXING ADDITIONAL TERMS OF COMPENSATION OF THE OFFICERS AND MEMBERS OF THE POLICE DEPARTMENT"

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law.

BE IT FURTHER RESOLVED that the salaries and references with regard to the Police will not be operative until the end of the Wage and Price Freeze as promulgated by the President of the United States."

Seconded by Councilman Williams.

DISCUSSION: Councilman Grossman stated he was happy to see the end of negotiations and suggested that work on a 1972 contract be started now. Mayor Salkind asked that the resolution be passed as an emergency so that the position of Caseworker could be implemented now. The resolution was thereafter adopted unanimously on a roll call vote by those present.

Council President McLaughlin declared the resolution an emergency resolution and passed the ordinance to the Mayor for his signature.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION # 186-71

"WHEREAS, Morton Salkind has filed a Third-party Complaint against the Township of Marlboro in a civil action in the Monmouth County Court wherein James R. Minogue is plaintiff and Morton Salkind, Robert French and Mary Denton are defendants, which Third-party Complaint seeks to declare void Section 10 of the Township Administrative Code, to declare the office of the

Township Attorney as vacant, to restrain James R. Minogue from exercising the power of the office of Township Attorney and seeks against the Township a judgment for legal fees and disbursements as may be incurred by Morton Salkind in his defense of the main suit which is a suit for defamation brought by the plaintiff James R. Minogue; and

WHEREAS, the Township Attorney James R. Minogue is a party to the main action and should not represent the Township in connection with the Third-party action;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that Nelson H. Murphy, Esquire of Red Bank, New Jersey, be and he is hereby appointed special counsel to represent the Township of Marlboro in defense of the Third-party Complaint brought by Morton Salkind against the Township of Marlboro and that he be paid a reasonable fee for his services upon the presentation of his bill."

Seconded by Councilman McLaughlin.

DISCUSSION: Council President McLaughlin proposed an amendment to the Resolution that the following words be added to the last sentence "not to exceed \$40 per hour". Seconded by Councilman Grossman.

Councilman Grossman explained that it was necessary that special counsel be appointed to defend the Township in the Third-party Complaint and asked that defense be provided for the Mayor and the Director of Finance only in the suit on the bonding fees at the rate of \$40 an hour. He said public officials should have a defense and that it is up to the courts to make judgment.

A discussion then took place regarding Mr. Murphy's qualifications to handle this particular type of lawsuit and whether or not the Council had personally met with Mr. Murphy.

The above motion to amend the resolution was thereafter passed unanimously on a roll call vote by those present.

Councilman McLaughlin suggested action on the resolution be tabled as Mr. Minogue was not present. So moved by Councilman Grossman, seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

Councilman Grossman then offered the following motion, "that in so far as the case of James R. Minogue versus Martin Rotheim and Morton Salkind involving only the bonding ordinance payment issue that is before the courts that the Township provides reasonable Counsel fees not to exceed \$40 an hour to these two gentlemen in defense of that particular suit."

Seconded by Councilman Williams.

DISCUSSION: Councilman Grossman and the Mayor argued that it

was a policy making decision that Council should provide legal defense for Township officials who act in the capacity of their official office.

The motion was thereafter passed unanimously on a roll call vote by those present.

The Mayor thanked Council for their action and then officially signed Ordinance #16-71 (Salary Ordinance).

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #188-71

"WHEREAS, in accordance with Resolution #146-71 the Township Engineer has reported to Council under date of August 26, 1971 regarding the scope of the work and the amount of property acquisition required to realign Church Road between Halifax Drive and Floyd Wyckoff Drive,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Township Engineer be and he is hereby authorized to perform the required field and office work to prepare the necessary land acquisition maps in accordance with said report."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #187-71

"WHEREAS, the Township of Marlboro entered into a contract dated August 13th, 1970 with Manzo Contracting Co., Inc. for the reconstruction of various roads within the Township of Marlboro pursuant to specifications set forth in said contract; and

WHEREAS, the Township Engineer has arranged for the testing of core samples from the pavement installed in various locations by the contractor and said Engineer has submitted a report dated August 2nd, 1971 to the Council setting forth the nature of the tests performed, the results and certain recommendations; and

WHEREAS, the report of the Engineer shows that the surface coat applied by the contractor in 1970 deviates 23.6% from the tolerance allowed by the New Jersey Department of Transportation specifications and 4.83% for surface courses applied during the year 1971; and

WHEREAS, the Engineer has recommended that instead of demanding a reduction in the contract price that selected portions of deficient pavement be repaved by the contractor with new pavement material; and

WHEREAS, the recommendation of the Engineer to have

deficient pavements recovered will give the Township the type of pavement provided for in the aforesaid contract;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro, that the Township Engineer be and he is hereby authorized to require the contractor to cover selected portions of the aforesaid deficient pavement with new pavement material prepared in accordance with contract specifications for those areas found to be deficient."

Seconded by Councilman Grossman.

DISCUSSION: Councilman Grossman said this is a notice to any contractor who is working for this town that the job must be done right. Roads not meeting specifications will be re-done. Mayor Salkind stated that in the case of Route 520 it will be alright to resurface over the base. Councilman McLaughlin said we are not satisfied with the job and core samples showed the work was not good. We are determined to get top value for our dollar.

The resolution was thereafter adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #189-71

"BE IT RESOLVED by the Council of the Township of Marlboro that an engineering study team be created to study the relative value of retaining our current method of employing a firm of consulting engineers as opposed to establishing a Department of Engineering within the Township, and report its findings to Council on November 15, 1971.

BE IT FURTHER RESOLVED that the following persons be appointed to serve on the engineering study team: Messrs. Bernard Barish, John Cosgrove, Martin Gitten, Sidney Leveson, Samuel Stubbs and Robert French."

Seconded by Councilman Grossman.

DISCUSSION: Councilman Grossman raised the question of not having the report of this study team issued before the elections due to the political implications of such an issue. He offered an amendment to the resolution that no summary or findings of this study team be given to any member of the government or any other persons including the press prior to November 15, 1971.

Seconded by Councilman Williams and passed unanimously on a roll call vote by those present.

Councilman Grossman further amended the motion to change the date of the resolution to November 22, 1971.

Seconded by Councilman Williams and passed unanimously on a roll call vote by those present.

The Resolution as amended was thereafter adopted on a roll call vote by those present.

0098

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #190-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the resignation of Councilman Judith D. Czerny be and the same is hereby accepted, with regret, effective September 7, 1971."

Seconded by Councilman Williams.

DISCUSSION: Councilman Grossman thanked Mrs. Czerny for her work on Council. Councilman Williams commented on the hard work done by Mrs. Czerny and wished her well. Mayor Salkind wished Mrs. Czerny good luck. Councilman McLaughlin wished Mrs. Czerny and her family well and said they would be missed.

The resolution was thereafter adopted unanimously on a roll call vote by those present.

After a short recess the meeting was called to order again at 10:26 PM.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #191-71

"WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and,

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, Such resolution of certifications shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Finance), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Marlboro hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote. by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #192-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township enter into a contract in the amount of \$700.00 with William C. Snyder et als for the conveyance of right of way to the Township for the widening of School Road West known as Parcel 4, being part of Block 90, Lot 1, in connection with Bond Ordinance #13-70."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #193-71

"WHEREAS, the Director of Finance and the Mayor have recommended that the Monmouth County National Bank be approved as an official depository of township funds;

NOW, THEREFORE, BE IT RESOLVED by the Council of the

Township of Marlboro that the Monmouth County National Bank be and the same is hereby approved as an official depository of the township funds, in addition to our present bank accounts."

Seconded by Councilman Grossman.

DISCUSSION: Mayor Salkind stated that Mr. Rotheim, Director of Finance had requested the closing of the township account with Freehold Savings and Loan Association also. Councilman Grossman made the following motion to amend the resolution, "BE IT FURTHER RESOLVED that the Freehold Savings and Loan Association shall be no longer approved as an official depository of the township and that funds therein shall be deposited as miscellaneous revenue not anticipated in accordance with the statutes." Seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

The resolution as amended was thereafter adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #194-71

"WHEREAS, the Township Engineer has reported that due to the scope of the 1969 and 1970 Various Roads Repaving program, the usual need for road maintenance has been virtually eliminated this year; and

WHEREAS, the streets lying within the proposed water main areas will require attention after that work is completed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the road maintenance program for the year 1971 as provided for by State Aid Formula Funds be included in the 1972 road maintenance program."

Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Councilman Williams offered Resolution #195-71 The Bill Paying Resolution, copy of which is attached hereto as Exhibit "D".

Seconded by Councilman Grossman.

DISCUSSION: The Mayor stated that this was the exact Bill Paying Resolution prepared for the last meeting with the exception of the three items approved at the last meeting. Council President McLaughlin said the Township Attorney determined that if Council believed there were in fact two separate contracts then the vouchers could be approved. The resolution was thereafter adopted unanimously on a roll call vote by those present.

President McLaughlin said Council would bypass the Approval or Correction and Approval of Minutes.

President McLaughlin asked for a motion to amend the agenda to include Resolution #196-71, so moved by Councilman Grossman, seconded by Councilman Williams and passed unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #196-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the school guards that were appointed for the 1970-71 school year be hereby appointed as school crossing guards for the Township of Marlboro for the school year 1971-72"

Seconded by Councilman Williams.

President McLaughlin announced those people are Dorothy Howardson, Hertha Walton and Charles Smith.

The resolution was thereafter adopted/ ^{unanimously} on a roll call vote by those present.

Councilman Grossman proposed the following resolution:

"BE IT RESOLVED by the Council of the Township of Marlboro that an ordinance entitled "A Code of Ethics of 1971" as proposed by the Marlboro Township Jaycees be adopted on first reading and notice of said passage be placed in the Asbury Park Press on Wednesday, September 15, 1971, and public hearing take place on September 23, 1971 at which time all persons interested shall be heard."

Council President McLaughlin and Councilman Williams said more time would be required to review the entire Code of Ethics before acting on the Jaycees proposal. President McLaughlin announced the motion died for lack of a second.

MAYOR'S REPORT: The Mayor announced he endorsed the Jaycees Code of Ethics. He said he also would like to see the passage of a Junk yard ordinance. He noted receipt of the forms for the first application for new Technical Assistance from the U.S. Department of Commerce. The Mayor asked Mr. Minogue for a formal ruling regarding new drainage easements recorded in 1969 with Mr. Avakian's approval for Block 51-H (U.S.Homes, Prince William Road area - final subdivision maps signed in 1967). Mr. Minogue requested the Mayor forward the file on same for his reply.

RESOLUTION # 195-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
General Code Publishers	Codification of Ord,1970	3,900.00	4,155.00
	Codification of Ord,1970	255.00	
North Jersey Equipment	Street Sweeper, Bond Ord#6-69		18,000.00
Leon S. Avakian, Inc.	Retainer, June	300.00	2,672.70
	Insp. Holiday, June	93.20	
	Insp. U.S.Homes, June	2,279.50	
Edward L. Fleischer, Esq.	Retainer & Services, June		275.00
William C. O'Brian & Assoc.	Court Reporter, Legal		40.00
N.J. Bell Telephone	462-0059 7/4/71	414.63	1,011.03
	536-3399 7/1/71	6.65	
	536-4444 7/1/71	40.48	
	536-3465 7/1/71	11.61	
	431-9346 6/19/71	35.40	
	431-9346 7/19/71	19.05	
	431-1111 6/19/71	229.96	
	431-1111 7/19/71	223.80	
	462-5713 6/26/71	12.55	
	431-1734 6/19/71	8.30	
	431-1734 7/19/71	8.60	
N.J. Natural Gas Co.	4978 6/17-7/20	3.47	7.37
	4990 6/17-7/20	3.90	
Jersey Central Power	5318 5/25-6/24	34.76	2,773.37
	3599 5/26-6/24	200.36	
	Street Lighting	2,538.25	
Xerox Corporation	Per Contract		256.80
Asbury Park Press	June, Legal Advertising	115.65	2,823.73
	June, Legal Ad & Bond.#12-71	2,678.08	
Middlesex County Publ.	Legal Advertising		112.00
Office Assistance Co.	Envelopes		29.50
Modern Print Service	Stationery		35.50

<u>PAID</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Paul Linnett & Co.	Ledger Sheets & Supplies	20.34	
	Purchase Orders & Supplies	94.13	
	Digital Clock	24.20	138.57
Bayshore Stationers	Staplers & Supplies	36.68	
	Rubber Stamps	34.52	
	Pens, Clips etc.	36.82	108.02
Treasurer's Office	Primary Election Envelopes		422.38
Mun. Finance Officers	Membership, Martin Rotheim		40.00
A & A Coffee Service	Coffee Kit		24.00
Kepwel Spring Water	Water & Cooler Rental		54.00
Marlboro Waxing Service	Police Dept., Janitorial Service	69.00	
	Reading Room, Janitorial Service	44.00	113.00
Lester Heulitt	Coverage for Sweeper	257.88	
	Additional Police Cars	1,198.88	1,456.76
Fishkin Bros. Inc.	Polaroid Film		152.64
J.S. Raub Shoe Store	Boots		22.49
Walter Heath Co.	Batteries	16.80	
	Spitfire Lens	50.46	
	Handcuffs	129.50	196.76
Joseph A. Mazzeo	Cables & Antennas	439.00	
	Repair Radio	33.65	
	Repair Radio	66.00	538.65
Millers Uniform Headquarters	Police Dept.	144.45	
	Crossing Guards	331.46	
	Crossing Guards	163.15	639.06
Red the Tailor	Uniforms	268.30	
	Uniforms	607.99	876.29
West Publishing Co.	Law Books	50.75	
	N.J. Statutes Ann.	9.00	59.75
General Electric Co.	Radios		2,103.40
Imperial Oil Co.	110 Gallons		78.72
Sprague's Oil Service	Gasoline		1,035.43
V.E. Ralph & Son	Face Mask Cushions		17.40
Amboy Generator Service	Regulator		121.60
Miller's Cleaners	June Cleaning		104.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Radio Communications	Radio Repairs		90.00
Base Automotive Supply	Check Speedometer		10.00
Scrub-A-Dub Car Wash	June Car Washes		25.00
Franklin's Garage	Repairs of Cars & Trucks		92.67
Matty's Auto Parts	Air Filters & Parts	611.46	769.41
	Flashers	157.95	
Paul-Mark Printing	Letterheads		31.00
Mat-Key Press	Zoning Applications		38.00
W. H. Potter & Son	Throttle Controls	3.00	14.50
	Saw Blade	11.50	
Matawan Lumber	Nails		1.02
Colot's Service Station	Tire	45.60	145.80
	Tire	100.20	
Sattellite Products, Inc.	Wire Termas.		31.02
M. D. Stokes	Sharpening		4.75
Millhurst Mills, Inc.	Culvert Pipe	105.26	320.14
	Culvert Pipe	214.88	
Mechanic's Uniform Rental	Rental Service		111.60
Freehold Dodge Inc.	Insulators		3.06
Dick's Lawn Mower Serv.	Saw Chain		41.85
Harter Equipment Inc.	Hood		80.65
B & B Auto Radiator	Recore Radiator		68.00
Shore Tractor Co.	Guards		21.00
G. H. Marshall Jr.	Knives Sharpened		12.00
Alfred L. Storer	Dumping--June, July		400.00
Agrotors, Inc.	Gypsy Moth Spray, Planes 6/11	1,750.00	2,940.00
	Gypsy Moth Spray, Planes 7/2	1,190.00	
Bartlett Tree Experts	Gypsy Moth Spray Ground		1,400.00
Bd. of Education, Marlboro Recreation	- Bus Transport.		379.93
Perry's Trophies	Ribbons		15.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Lou Coopers	Play Equipment	74.75	
	Poster Board	1.96	
	Construction Paper, etc.	37.94	114.65
Little Silver's Mike	Games	107.25	
	Blocks & Toys	62.20	169.45
S & S Arts & Crafts	Paints & Equipment		424.90
Collins & Smith Inc.	Accident Policy		250.00
Mary Bender Ceramics	Brushes & Glaze	19.60	
	Figurines	13.92	
	Dolls	9.80	43.32
Willoughby-Peerless	Rental Film		20.00
N.J. State Dept. of Health	Rabies Clinic Reg. Fee, June		29.50
N.J. State Dept. of Health	Rabies Clinic Reg. Fee, July		10.50
Albert Nils Hirsch	Rendering of Rabies Immun.		100.00
			<hr/>
		Total	48,708.64

Offered by: *Willems* Ayes: 3
 Seconded by: *Grossman* Nays: 0
 Absent: *Herman*

The above Resolution was adopted this 9th day of September, 1971.

Mildred F. Ackerman
 MILDRED F. ACKERMAN, CLERK

John McLaughlin
 JOHN McLAUGHLIN, COUNCIL PRES.

The Mayor reported that since his last report an additional \$600,000 has been invested by the Director of Finance.

With regard to the Emergency Employment Act he reported the total program will come to \$28,755, we'll spend \$6,000 and get \$22,600, an increase in the original figures. We can now hire three people for the Road Department and one for the Police Department.

He noted receipt of the Building Inspector's report for August showing a total of 78 permits issued.

He acknowledged receipt of a letter dated today from Martin Rotheim advising that two vouchers one from Volzan Corp. for \$1,425 and one from Mr. Minogue \$2,110 legal services should be put in next year's budget as deferred charges as there are not enough funds in either account.

The Mayor said he was in receipt of a letter from Mr. Avakian indicating he has no objection to Tewksbury deck house and he said he would instruct the Building Inspector to go ahead.

Regarding the Emergency Employment Act the Mayor said he would deposit \$894.79 tomorrow. He said he had received a letter from Mr. Hartnett with regard to the unpaved portion of Brown Rd., of the condemning of the Wesley property and the traffic light at Route 79 and School Roads.

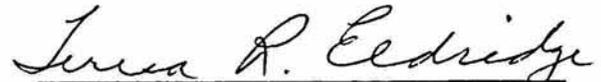
He asked the Clerk to bring a new financial disclosure statement form to the next meeting for him as he was now employed by Merrill, Lynch, Pierce, Fenner & Smith Inc.

The Mayor said he was informing Council that he will issue a proclamation on Monday night next week designating Sunday, November 14th as Bayshore Community Hospital Day and that he will instruct Mr. Hartnett to authorize a campaign to be conducted in the Township.

Council President McLaughlin announced that it was necessary he leave the meeting and asked that Councilman Williams chair the remainder of the meeting in his absence.

The Chair opened the meeting to the public at 11:20 P.M. After the public session the meeting adjourned at 12:07 A.M.


JOHN J. MCLAUGHLIN, Council Pres.


Teresa R. Eldridge, Deputy Clerk

Minutes approved: 10/28/71

0107

COUNCIL OF THE TOWNSHIP OF MARLBORO
REGULAR MEETING OF SEPTEMBER 23, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Councilman John H. Williams at 8:12 P.M. on Thursday evening September 23, 1971 at Marlboro Elementary School, School Road West, Marlboro. Following a moment of silence and the Salute to Our Flag the roll was called.

ROLL CALL: Present: Councilmen Grossman, Herman and Williams.
Absent: Councilman McLaughlin (Councilman McLaughlin arrived during the discussion of Resolution #200-71)

Also present were Mayor Morton Salkind, Attorney Joseph Grabler (filling in for Township Attorney James R. Minogue) and Clerk Mildred F. Ackerman.

Councilman Herman offered a motion that Councilman Williams be appointed Acting Council President for the evening, as President McLaughlin was not expected until later. The motion was seconded by Councilman Grossman and carried with Councilman Williams abstaining.

The Mayor interrupted the order of business to ask Council to join him in endorsing strong conflict of interest legislation and to modify state law involving requirements for membership to the Industrial Commission.

Acting Council President Williams moved the order of business.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #195A-71

"BE IT RESOLVED by the Council of the Township of Marlboro that David F. Stokes be and he is hereby appointed to the Township Council to fill the vacancy created by the resignation of Judith D. Czerny and he is to serve until the qualification of a person elected in accordance with the statutes."

Seconded by Councilman Williams.

0108

Councilman Grossman said since this was a Republican matter he would abstain from voting but questioned the appointment of a candidate to the seat. The Mayor asked if Mr. Stokes had resigned his seat on the Board of Adjustment. Acting President Williams read the following statement addressed to Mayor and Council dated September 23, 1971 received from David F. Stokes: "As of this date I resign my position on the Board of Adjustment to accept a seat on Township Council".

The resolution was adopted on the following roll call vote:

Ayes: Councilmen Williams, Herman
Nays: None
Absent: Councilman McLaughlin
Abstain: Councilman Grossman

Councilman Stokes was sworn into office by the Clerk.

Acting President Williams called for a motion to change the agenda to move the order of business to New Business, so moved by Councilman Herman. Seconded by Councilman Stokes. Following a brief discussion Councilman Grossman offered an amendment to the motion to start with Unfinished Business. Amendment seconded by Councilman Stokes and carried unanimously on a roll call vote. The original motion was also carried unanimously on a roll call vote.

UNFINISHED BUSINESS:

Councilman Stokes offered the following resolution and urged its adoption:

RESOLUTION #198-71

"WHEREAS, Morton Salkind has filed a Third-party Complaint against the Township of Marlboro in a civil action in the Monmouth County Court wherein James R. Minogue is plaintiff and Morton Salkind, Robert French and Mary Denton are defendants, which Third-party Complaint seeks to declare void Section 10 of the Township Administrative Code, to declare the office of the Township Attorney as vacant, to restrain James R. Minogue from exercising the power of the office of Township Attorney and seeks against the Township a judgment for legal fees and disbursements as may be incurred by Morton Salkind in his defense of the main suit which is a suit for defamation brought by the plaintiff James R. Minogue; and

WHEREAS, the Township Attorney James R. Minogue is a party to the main action and should not represent the Township in connection with the Third-party Action;

September 23, 1971

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that Nelson H. Murphy, Esquire of Red Bank, New Jersey, be and he is hereby appointed special counsel to represent the Township of Marlboro in defense of the Third-party Complaint brought by Morton Salkind against the Township of Marlboro and that he be paid a reasonable fee for his services upon the presentation of his bill, not to exceed \$40.00 per hour."

Seconded by Councilman Herman and following discussion regarding Mr. Murphy's qualification adopted on the following roll call vote:

Ayes: Councilmen Stokes, Herman and Williams
Nays: None
Absent: Councilman McLaughlin
Abstain: Councilman Grossman

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #199-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to order real estate appraisals for the following properties which have been proposed as sites for recreation in the Township of Marlboro:

1. Bakers Brook Park Site - Lower right hand portion, borders Texas and Greenwood Roads, approximately 8 acres.
2. Whittier Oaks East - Block 51, Lot 19Q, corner bordering Church Road, approximately 8 acres.
3. Whittier Oaks West - Block 65, Lot 33, site entrance Kilmer Drive avoiding Union Hill Road traffic problem, approximately 8 acres.

BE IT FURTHER RESOLVED that the cost of said appraisals not to exceed \$800.00 be charged against the "Capital Improvement Fund", which amount is for a purpose for which bonds may be issued under Chapter 2 of Title 40A of New Jersey Statutes."

Seconded by Councilman Herman. Councilman Grossman offered a motion that the Resolution be amended as follows "BE IT FURTHER RESOLVED that these appraisals shall be completed on or before October 28, 1971".

Motion seconded by Councilman Herman and carried unanimously on a roll call vote by those present.

The resolution as amended was thereafter adopted unanimously on a roll call vote by those present.

NEW BUSINESS:

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #200-71

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

Ordinance #17-71

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE EXECUTION OF "1971 SERVICE CONTRACT BETWEEN THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY"

be introduced and passed first reading and that the same be published in the Asbury Park Press on Wednesday, September 29, 1971 with the notice required by law and that the same be considered for final passage on Thursday, October 14, 1971 at 8 P.M. at Marlboro Elementary School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Stokes. DISCUSSION: Municipal Utilities Authority Attorney, Dominick Cerrato, MUA Chairman Tilton and MUA Secretary Yablonski explained the need for this contract in order to effect a more favorable interest bonding rate. Councilman Grossman and Mayor Salkind questioned the MUA regarding the need for this contract and their projected annual maximum deficit for 1972, 1973 and 1974. The discussion continued following a recess called at the request of Councilman Grossman and the Mayor. The Mayor suggested an amendment be put into the service contract to limit the maximum loss and the Mayor and Councilman Grossman asked Mr. Cerrato to obtain a letter from the bonding company and HUD if that suggestion would be acceptable to them. Mr. Cerrato said the MUA would be glad to reply to all specific requests made in writing. MUA Secretary Yablonski said a copy of their Audit Report would be made available to the Mayor. The Resolution was thereafter adopted unanimously on a roll call vote.

September 23, 1971

- 4 -

0111

PUBLIC NOTICE

PUBLIC NOTICE

**ORDINANCE #17-71
AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE EXECUTION OF THE 1971 SERVICE CONTRACT BETWEEN THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

BE IT ORDAINED BY the Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

SECTION ONE: There is hereby authorized the execution by the Township of Marlboro of "1971 SERVICE CONTRACT BETWEEN THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY—September 20, 1971" for the purposes expressed in the preamble of said contract in the form and content set forth in "Schedule A" annexed hereto and made a part hereof.

SECTION TWO: This ordinance shall take effect upon its publication after final passage according to law.

**SCHEDULE "A"
1971 SERVICE CONTRACT
BETWEEN
THE MARLBORO TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
AND
THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH,
NEW JERSEY**

THIS AGREEMENT, made and dated as of the 20th day of September, One Thousand Nine Hundred and Seventy-one, between The Marlboro Township Municipal Utilities Authority (hereinafter referred to as "Authority"), a public body politic and corporate of the State of New Jersey, and The Township of Marlboro, in the County of Monmouth (hereinafter referred to as "Township"), a municipal corporation of the State of New Jersey, situate in said County of Monmouth.

WITNESSETH
WHEREAS pursuant to the Municipal Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957, of the State of New Jersey, approved August 22, 1957, as amended and supplemented, the Authority was created by virtue of an ordinance duly and finally adopted on May 24, 1962, by the Township Committee of the Township as the governing body thereof, and is a public body politic and corporate of the State of New Jersey organized and existing under said Law, constituting a political subdivision and established as an instrumentalities exercising public and essential governmental functions to provide for the public health and welfare, with all necessary or proper powers to acquire, construct, maintain, operate or improve works for the accumulation, supply or distribution of water and works for the collection, treatment, purification or disposal of sewerage or other wastes and to provide for utility services designed to provide or distribute an adequate supply of water for public and private uses and to relieve pollution of the waters in, bordering or entering the District (hereinafter defined) from pollution or threatened pollution and for improvement of conditions affecting the public health and with all the powers, privileges and authority conferred by said Law; and

WHEREAS the Authority has completed plans and designs and is ready to acquire and construct and place into operation a water supply and distribution system for provision and distribution of water within the District, but cannot economically finance the aforesaid under said Law unless the Authority is to be aided and assisted by the Township as provided in this Agreement; and

WHEREAS the Township desires to aid and assist the Authority in the establishment of said water system and to make it economically feasible for the Authority to proceed with the financing, acquisition and construction thereof so as to make available, at an early date, a water system for the use of residents and inhabitants of the Township and for the supply and distribution of water within said District and also the collection, treatment and disposal of sanitary sewage and other wastes arising within the District by means of a sanitary sewerage system; and

WHEREAS the Township and the Authority have each determined that it will be economical and otherwise advantageous to both of them and to the residents and property owners of the Township for the Township and the Authority to enter into a single contract providing for and relating to the sale and supplying of water in the Township by means of said water system and the treatment and disposal of sewage and other wastes originating in the Township by means of said sewerage system and the cost and expense of such sale and supplying of water and of such treatment and disposal which contract, among other things, shall obligate the Authority to proceed with the acquisition and construction and placing in operation of said water system and said sewerage system and obligate the Township to pay to the Authority such fixed amounts and sum or sums of money as may be necessary to provide for deficits resulting from failure or disability of the Authority to derive adequate revenues from the operation of said water system and said sewerage system, and the Township and the Authority have each duly authorized its proper officials to enter into and execute for it this Agreement;

NOW, THEREFORE, in consideration of the premises, of the mutual covenants and agreements herein set forth, and the

undertakings of each party to the other, the Authority and the Township, each binding itself, its successors and assigns, do mutually covenant, promise and agree as follows:

**ARTICLE I
Definitions.**

SECTION 101. Definitions. As used and referred to in this Agreement, unless a different meaning clearly appears from the context:

- (1) "Accountant" means the Division of Local Finance in the Department of Community Affairs of the State of New Jersey or a registered municipal accountant or a certified public accountant of the State of New Jersey;
- (2) "Act" means the Municipal Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957, of the State of New Jersey, approved August 22, 1957, and the acts amendatory thereof or supplemental thereto;
- (3) "Agreement" means this 1971 Service Contract;
- (4) "Annual Charges" shall have the meaning given to such term in Article III hereof;
- (5) "Authority" means The Marlboro Township Municipal Utilities Authority referred to hereinabove;
- (6) "Bond" means any bond, note or other evidence of indebtedness heretofore or hereafter issued by the Authority;
- (7) "Bond Resolution" means any agreement of the Authority with or for the benefit of holders of Bonds to be issued pursuant thereto;
- (8) "District" means the area within the territorial boundaries of the Township;
- (9) "Fiscal Year" means the period of twelve calendar months ending with November 30 of any year;
- (10) "Governing Body" shall have the meaning given to such term by the Act;
- (11) "Industrial Wastes" means liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource;
- (12) "Project" means the following water supply and distribution facilities constructed or acquired or to be constructed or acquired in the Morganville-Wickatunk area of the Township as shown on a set of drawings entitled "Marlboro Township Water Supply System, Morganville-Wickatunk Areas, Distribution System, Storage Tank and Wells, Contracts 2, 3 and 4, 1971" prepared by Charles J. Kupper, Inc., Consulting Engineers, Piscataway, New Jersey, with all necessary and incidental connections, equipment, apparatus, structures and appurtenances, and including all real property and rights-of-way, easements, and other interests therein and all personal property necessary or desirable for the efficient construction and operation of such facilities:

- (a) Distribution mains sized to meet the ultimate requirements of the service area with provision for expansion of the system to serve the remaining portions of the Township, initially serving approximately 2,500 residents at the following streets, places, and locations: (1) in the Morganville Area, Lloyd Road, Orchard Parkway, John Street, West Court, Ryers Lane, Maple Avenue, Baldwin Street, Union Avenue, Marlboro Street, Wilson Street, Roosevelt Avenue, Nelson Street, Harrington Terrace, Brown Road, Greenwood Road, Orchard Street, Thomas Lane, Wicker Place, Martha Place, and portions of Route 79, Tennent Road, Nolan Road, Texas Road, and Wolletown Road; and (2) in the Wickatunk Area, Harbor Road, Hillside Terrace, Blossom Avenue, Ridge Road, Center Street, High Street and portions of Route 79, Tennent Road, Crine Road and Pleasant Valley Road;
- (b) Wells and water treatment facilities to serve the project area, consisting of a water treatment plant to be located on a ten acre site off Harbor Road in the vicinity of Blossom Heights in the Wickatunk area, including deep wells, pumps, chemical feed equipment and pressure filters, said equipment and filters to be housed in an all purpose building of masonry construction; and
- (c) Water storage facilities consisting of a steel-plate water tank to be located off Beacon Hill Road in the Morganville Area and of sufficient capacity to meet the peak hourly fluctuations in demand including residential, commercial and industrial fire demand requirements.

- (13) "Sections or Articles" mentioned by numbers the respective Sections and Articles of the 1971 Service Contract;
- (14) "Service Charges" means rents, rates, fees or other charges, including all water service charges and all sewer service charges, for direct or indirect connections with, or the use or services of the System which the Authority, under the provisions of Sections 22, 23 or 24 of the Act, is or may be authorized to charge and collect with regard to persons or real property;
- (15) The term "sewage" means the waterborne animal or vegetable wastes (other than industrial wastes) from water closets, buildings, residences, industrial establishments or other places, together with such ground water infiltration, surface water, admixtures or other wastes as may be present;
- (16) "Sewerage System" means the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, con-

structed or operated by the Authority for the purposes of the Authority, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connection, outfalls, compensating reservoirs and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(17) "System" means The Sewerage System and The Water System, including the Project;

(18) "Township Council" means the council of the Township of Marlboro.

(19) "Water System" means the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by the Authority for the purposes of the Authority, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, water mains, pumping stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification or filtration plants or other plants and works, connection, rights of flowage or diversion, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the accumulation, supply or distribution of water; and

(19) Words importing the singular number include the plural number, and vice versa, and words importing persons include firms, associations and corporations.

SECTION 102. Short Title. This agreement may hereafter be cited by the Authority or by the Township and is herein sometimes referred to as the "1971 Service Contract".

SECTION 103. Severability of Invalid Provisions. If any one or more of the covenants or agreements provided in the 1971 Service Contract, on the part of the Authority or the Township to be performed should be contrary to law, then such covenant or covenant's, agreement or agreements, shall be deemed separable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of the 1971 Service Contract.

**ARTICLE II
Construction of the System.**

SECTION 201. Construction and Operation of Project. The Authority will with all practicable speed prepare and complete (to the extent not already prepared and completed) plans for the construction, acquisition and financing of the Project and upon completion of such financing or the making of arrangements therefor satisfactory to the Authority, will with all practicable speed construct, acquire and complete the Project and place the same in operation. The Authority will hereafter operate and maintain and, to the extent permitted under the terms of Section 202, enlarge the System so as to supply and distribute water and to treat and dispose of sewage by means of the System subject to and in conformity with the provisions of the Agreement and with respect to any property connected thereto in accordance with the provision of this Article.

SECTION 202. Alteration, Renewal or Extension of System. The Authority may at any time enlarge, alter or improve the System or renew or replace any part thereof, but the Authority shall not construct or acquire, and nothing in this Agreement shall be deemed to require the Authority to construct or acquire, any extension of any water main or sewer main (which is not a part of the Project) as an extension of the System unless (a) written consent to construction or acquisition of such extension shall have previously been given by the Township Council, or (b) a certificate of the consulting engineer retained by the Authority shall be delivered to the Authority stating the opinion that the average estimated Service Charges based upon the current rate schedule to be collected with respect to such extension exceeds the average estimated operating expenses and debt service with respect to such extension for a period of not less than five years after the time of placing in operation of such extension; and the feasibility of such extension is substantiated by receipt of bids by the Authority for the proposed extension or addition.

SECTION 203. Project Plans to be Approved. Before undertaking construction of any substantial part of the Project, the plans and specifications for such construction will be submitted by the Authority to the Department of Environmental Protection of the State of New Jersey for approval as to the sufficiency of design thereof and compliance with standards as then promulgated by said Department and in effect, and a permit (if required) will be obtained by the Authority from said Department to proceed with such construction.

SECTION 204. Location of System and Use of Public Property. The Authority shall have the right to construct, maintain, operate and use such reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping and ventilating stations, treatment, purification and filtration plants or works, trunk, intercepting and outlet sewers, water distribution systems, waterworks, sources of water supply and wells at such places within or without the District, and such other plants, structures, boats and conveyances as in the judgment of the Authority are necessary

to provide a water supply and distribution service by means of the System and to provide sewage collection and disposal service by means of the System, and to that end, may enter upon and use and connect with any existing public drains, sewers, conduits, pipelines, pumping and ventilating stations and sewage treatment plants and works or any other public property of a similar nature within the Township and close off and seal outlets and outfalls therefrom, and may construct, maintain and operate the System, streets, alleys, highways, and other public places within the Township.

SECTION 205. Conveyance of Facilities. From time to time upon notice from the Authority, the Township will grant and convey to the Authority, upon such terms and conditions as have heretofore been or shall hereafter be agreed to, any water main or other water supply facility or any sewer or other sanitary sewerage facility which may be owned by the Township and be specified in any such notice or notices.

SECTION 206. Connections to be Permitted. The Authority will permit every property in the Township fronting on the System or having reasonable access thereto to be connected with the System, but only upon payment to the Authority of such connection charge or charges as the Authority may prescribe; and subject to and in conformity with the rules and regulations of the Authority then in effect.

SECTION 207. Connections to be Required. The Township will require all properties within its territory fronting on the System or having reasonable access thereto to be connected with the System in accordance with law and subject to rules and regulations of the Authority then in effect.

**ARTICLE III
Charges by the Authority and Payment by the Township.**

SECTION 301. Service Charges. With respect to all water, services, facilities or products sold, supplied or furnished by or from the Water System and for all direct or indirect connections with, and all use, products and services of the Water System, and with respect to all sewage or other wastes delivered into the Sewerage System and for all direct or indirect connections with, and all use and services of, the Sewerage System, the Authority will charge Service Charges in accordance with the Act and at least to the extent required by the 1971 Service Contract and at the rates established in accordance herewith. Said Service Charges shall be computed at rates sufficient to assure receipt by the Authority in each Fiscal Year (beginning with the Fiscal Year ending in 1972) of the sum of money equal to the sum of all of the amounts necessary in such Fiscal Year (1) to pay or provide for the expenses of operation and maintenance of the System and the principal of and interest on any and all Bonds as the same become due, and (2) to maintain such reserves or sinking funds as may be required by the terms of any contract of the Authority or any Bond Resolution, or as may be deemed necessary or desirable by the Authority, and (3) to comply in all respects with the terms and provisions of any Bond Resolution and of the Act, but nothing in this Section or in the 1971 Service Contract contained shall prevent the Authority from charging Service Charges which shall be less than sufficient to provide the foregoing requirement, provided that the Township shall have given its written consent in the manner herein provided to such lesser Service Charges.

SECTION 302. Annual Charges. For the sale and supplying of water in the Township and for the treatment and disposal of sewage originating in the Township and to assure continuance of such sale and supplying of water and of such treatment and disposal of sewage at reasonable rates of Service Charges, the Authority will charge the Township and the Township shall make payment to the Authority of Annual Charges computed and to be paid as set forth in this Agreement. The Annual Charges made and to be charged by the Authority to and payable by the Township for or with respect to any Fiscal Year shall be the sum of money equal to the excess (if any) of

- (A) The sum of all of the amounts necessary or expended in such Fiscal Year (1) to pay or provide for the expenses of operation and maintenance of the System, including (without limitation of the foregoing) insurance, renewals, replacements, extensions, enlargements, alterations and betterments, (2) to pay or provide for any interest becoming due prior to the end of such Fiscal Year on Bonds,
- (3) to pay or provide for the principal or redemption premium of Bonds becoming due prior to the end of such Fiscal Year, (4) to provide for any deficits of the Authority resulting from failure to receive sums payable to the Authority by the Township, and other municipality, any county or any person, or from any other cause, and
- (5) to maintain such reserves or sinking funds to provide for expenses of operation and maintenance of the System or for any interest on or principal or redemption premium of Bonds or for any such deficits as may be required by the terms of any contract of the Authority or Bond Resolution or be deemed necessary or desirable by the Authority, over

(B) the sum of such parts (if any) of the several amounts referred to in subparagraph (A) of this Section as

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prior to the end of such Fiscal Year, are properly paid and discharged, or fully provided for by application, in accordance with the Act or any Bond Resolution. of (1) Service Charges collected by the Authority, (2) the proceeds of Bonds received by or for account of the Authority, (3) the proceeds of insurance received by or for account of the Authority, (4) interest received on investments of funds held for the benefit or security of the Authority or the holders of Bonds, (5) contributions received by or for account of the Authority and not under any circumstances repayable by the Authority until after the payment in full of all other obligations of the Authority including its Bonds, original or refunding or both, or (6) surplus reserves on hand and applicable and available therefor at the beginning of such Fiscal Year.

SECTION 303. Rates of Service Charges. (1) The Service Charges to be prescribed, fixed and charged by the Authority pursuant to this Agreement shall be computed in accordance with and at the rates shown on a schedule of such charges which, after written consent to adoption of such schedule, or approval of such schedule after its adoption, shall have been given by or on behalf of the Township, shall be adopted and established by the Authority. After such adoption, the Authority may from time to time modify said schedule but only by amendments adopted in conformity with the restriction of, and permitted by, this Section.

(2) The Authority shall not adopt or make any amendment of the schedule referred to in Paragraph (1) of this Section (or of any revision thereof) at any time or in any particular unless:

(a) Such amendment imposes or affects only a payment (generally called a "connection charge") to be made to the Authority for or with respect to each making or discontinuing of a service connection to the System, or

(b) Written consent to such amendment shall have previously been given by or on behalf of the Township, or

(c) Such amendment is required by the terms of any final judgment or decree of a court of competent jurisdiction, or

(d) Such amendment is required by any of the terms or provisions of any Bond Resolution of the Authority, or any of the covenants made therein for the benefit of holders of Bonds, or

(e) No Annual Charges shall have become payable by the Township to the Authority under the terms of the Agreement for or on account of any of the last three Fiscal Years ended next prior to the adoption or making of such amendment, or

(f) Such amendment is required by the provisions of this Agreement, or

(g) Such amendment is an increase of one or more rates or classifications of Service Charges and is recommended by a consulting engineer of the Authority.

SECTION 304. Payment of Annual Charges by Township. (1) For or in connection with the sale and supplying of water in the Township and the treatment and disposal of sewage or other wastes originating in the Township by means of the System during each Fiscal Year, the Township will pay to the Authority the Annual Charges made and charged by the Authority to and payable by the Township for such Fiscal Year computed by the Authority as provided in this Article. On or before December 30 of each Fiscal Year the Authority will make and deliver to the Township Council its certificate stating the amount of the Annual Charges for said Fiscal Year computed in accordance with this 1971 Service Contract, accompanied by a certificate signed by an Accountant approving the statements in such certificate of the Authority. The Annual Charges for each Fiscal Year, to the extent that any part thereof shall not have been theretofore paid, shall at all events be due and payable not later than January 15 next succeeding after the close of such Fiscal Year, but current provision for and payment of part of such Annual Charges on an estimated basis shall be made by the Township in accordance with the following paragraphs of this Section.

(2) On or before the twenty-fifth day of the month next following the month in the Fiscal Year in which the Authority may first issue any Bonds and on or before December 30 of each Fiscal Year thereafter (and in any event on or before December 30 of each Fiscal Year after the System or any part thereof shall have been placed in operation), the Authority will make an estimate of the amount of the Annual Charges which will become payable by the Township for such Fiscal Year and thereafter on or before January 15 of such Fiscal Year, will make and deliver to the Township its certificate stating such estimated amount that is the Annual Charges for such Fiscal Year. In the event that any part of any Annual Charges theretofore becoming payable by the Township shall not have been paid, the Authority will include in such certificate an additional provision separately stating the amount of such unpaid part (herein called the "Prior Annual Charges Deficiency").

(3) The Township will in each year make all budgetary and other provisions or appropriations necessary to provide for and authorize the payment by the Township to the Authority during each Fiscal Year of the estimated amount of the Annual Charges and the amount of the Prior Annual Charges Deficiency (if any) stated in the certificate delivered in such Fiscal Year to it

by the Authority as aforesaid.

(4) On or before January 16 of each Fiscal Year, the Township will pay to the Authority the amount of the Prior Annual Charges Deficiency (if any) stated in the certificate delivered in such Fiscal Year to it by the Authority as aforesaid. The Township will pay to the Authority that part of the estimated amount of the Annual Charges stated in the certificate delivered in such Fiscal Year to it by the Authority as aforesaid in four equal installments on the first days of February, May, August and November of such Fiscal Year, provided that in the Fiscal Year in which the Authority may first issue any Bonds, said estimated amount with respect to such Fiscal Year shall be such part thereof as results from application thereto of a fraction the denominator of which shall be twelve and the numerator of which shall be the number of months remaining in such Fiscal Year after the date of issuance of Bonds, and such amount shall be divided into as many installments as there are such months remaining in such Fiscal Year and one of such installments shall be due and payable to the Authority on the first day of each such month.

(5) In the event that the amount of the Annual Charges made and charged by the Authority to and payable by the Township for any Fiscal Year computed as provided in this Article shall be less than the estimated amount of such Annual Charges (as aforesaid) stated in the certificate delivered in such Fiscal Year to it by the Authority and paid by it to the Authority, the Authority will credit the difference between said amounts to the Township against the amount of the next payment becoming due to the Authority from the Township under paragraph (1) or (4) of this Section.

SECTION 305. Limitation of Service Charges. The sums payable by the Township to the Authority under the provisions of this 1971 Service Contract are and shall be in lieu of part of the Service Charges which the Authority would otherwise, under the provisions of Sections 21 or 22 of the Act, charge and collect with regard to real property within the Township directly or indirectly connected with the System, and so long as the Township shall not be in default in the making of payments becoming due from it under the provisions of this Agreement, the Authority will suspend all Service Charges with regard to such real property except Service Charges computed in accordance with the provisions of Section 303 and connection charges, but nothing in this Section of this Agreement contained shall prevent the Authority from charging and collecting, as if this Agreement had not been made, Service Charges with regard to persons or real property within the Township sufficient to meet any default or deficiency in any payments agreed herein to be made by the Township. For the purpose of this Section, the Township shall be deemed to be in default if the Township, for a period of thirty days after its due date, shall fail to make in full to the Authority any payment required to be made by it under the provisions of this Agreement.

SECTION 306. Collection of Service Charges. The Authority will at all times take all reasonable measures permitted by the Act or otherwise by law to collect and enforce prompt payment to or for it of all Service Charges prescribed, fixed and charged by it in accordance with this Agreement.

SECTION 307. Repayment of Annual Charges. The Authority will repay to the Township, unless waived by the Township in writing, any annual charges collected from the Township. Said charges may be repaid by the Authority in installments over a period not to exceed three years. This repayment of annual charges is subject to the obligation of the Authority to pay, or provide for payment of its obligations to bond holders under the terms of contracts or bond resolutions heretofore or hereinafter entered into with said bond holders. Repayments of annual charges may only be made from the Authority's surplus.

ARTICLE IV. Miscellaneous.

SECTION 401. Rules and Regulations. The Authority may at any time, promulgate, issue, publish and from time to time amend, and enforce, rules and regulations regulating the making of connections to the System or the use or services of its utility system or prohibiting or regulating the discharge into the System or any sewer, sanitation or drainage systems connected therewith of storm water drainage from ground surface, roof leaders or catch basins or from any other source, industrial wastes, oils, acids or any other substances which alone or in combination with other substances discharged into the System, are or may be injurious or deleterious to the System or to its efficient operation, and the Township will fully conform with such rules and regulations and will cause the same to be fully observed and conformed with throughout its territory. Such rules and regulations may include lists of harmful wastes, discharge of which into the System or any sewer, sanitation or drainage systems connected therewith shall be prohibited. In the enforcement of such rules and regulations (or in enforcement of Service Charges), the Authority may refuse to permit or continue the connection to the System of properties in the Township, and such refusal shall not be deemed to result in any violation by the Authority of the provisions of this Agreement as to construction or operation of the System

or the charging or collection of Service Charges or any other matter.

SECTION 402. Insurance. The Authority will at all times maintain with responsible insurers all such insurance as is customarily maintained with respect to utility systems of like character against loss or damage to the System and against public or other liability to the extent not less than that reasonably necessary to protect the interest of the Authority and the Township, and will at all times maintain with responsible insurers all insurance reasonably required and obtainable within limits and at costs deemed reasonable by the Authority to indemnify and save harmless the Authority and the Township against all liabilities, judgments, costs, damages, expenses and attorney's fees for loss, damage or injury to person or property resulting directly or indirectly from the operation or a failure of operation of the System caused by the negligence or willful act of the Authority, its employees or agents.

SECTION 403. Accounts. The Authority will keep proper books of record and accounts in which complete and correct entries shall be made of its transactions relating to the System or any part thereof, and which, together with all other books and papers of the Authority, shall at all reasonable times be subject to inspection. The Authority shall cause its books and accounts to be audited annually by an Accountant, and annually within three months after the close of each Fiscal Year, copies of the reports of such audits so made shall be furnished to the Authority and to the Township, including statements in reasonable detail, accompanied by a certificate signed by the Accountant, of financial condition, of revenues and operating expenses, and of all funds held by or for the Authority.

SECTION 404. Competitive Facilities. The Township will not, after the date of this Agreement, construct any water supply or distribution system or other facilities for distribution of water within the District or construct any sewage disposal plant or sewer or other facilities for the collection, treatment or disposal of sewage originating within the District unless the Authority shall have given its written consent to such construction.

SECTION 405. Enforcement and Obligation of Annual Charges. If any payment or part thereof due to the Authority from the Township shall remain unpaid for thirty days following its due date, the Township shall be charged with and will pay to the Authority interest on the amount unpaid from its due date until paid, at the rate of six per centum (6%) per annum. Every obligation assumed by or imposed upon the Township by the 1971 Service Contract shall be enforceable by the Authority by appropriate action or proceeding, and the Authority may have and pursue any and all remedies provided by law for the enforcement of such obligation including the remedies and processes provided by the Act with respect to Service Charges.

SECTION 406. Effect of Breach. Failure on the part of the Authority in any instance or under any circumstance to observe or fully perform any obligation assumed by or imposed upon it by this Agreement or by law shall not make the Authority liable in damages to the Township or relieve the Township from making any payment to the Authority or fully performing any other obligation required of it under this Agreement, but the Township may have and pursue any and all other remedies provided by law for compelling performance by the Authority of said obligation assumed by or imposed upon the Authority.

SECTION 407. Consents or Waivers by Authority. Whenever under the terms of this Agreement the Authority is authorized to give its written consent, the Authority, in its discretion, may give or refuse such written consent and, if given, may restrict, limit or condition such consent in such manner as it shall deem advisable. Supply by the Authority of water from the System or acceptance by the Authority into the System of sewage or other wastes in any instance in a volume or at a rate or with characteristics exceeding or violating any limit or restriction provided for by or pursuant to this Agreement in one or more instances or under one or more circumstances shall not constitute a waiver of such limit or restriction or of any of the provisions of this Agreement and shall not in any way obligate the Authority thereafter to supply water from the System or to accept or make provision for sewage or wastes delivered into the System in a volume or at a rate or with characteristics exceeding or violating any such limit or restriction in any other instance or under any other circumstance.

SECTION 408. Special Consents by Township. Whenever under the terms of this Agreement the Township is authorized to give its written consent, such consent may be given and shall be conclusively evidenced by a copy, certified by its Township Clerk and under its seal, of a resolution purporting to have been adopted by the Township Council and purporting to give such consent.

SECTION 409. Special Consents by Authority. Whenever under the terms of this Agreement the Township is authorized to give its written consent, such consent may be given and shall be conclusively evidenced by a copy, certified by its Secretary and under its seal, of a resolution purporting to have been adopted by the Authority or

its members and purporting to give such consent.

SECTION 410. Pledge or Assignment. This 1971 Service Contract may not be assigned by either party without the written consent of the other, provided, however, that, since this Agreement is made with particular reference to the holders or respective holders of the Bonds or other obligations of the Authority for the purpose of assuring and protecting the interests of such holders, the Authority may at any time assign or pledge for the benefit and security of the holders of Bonds all of its rights under the provisions of this Agreement to receive payments from the Township, and thereafter this Agreement shall not be terminated, modified or changed by the Authority or Township except in the manner (if any) and subject to the conditions (if any) permitted by the terms and provisions of such assignment or pledge.

SECTION 411. Services Outside of Township. The Authority will not permit any property located outside of the Township to be connected with the System for the purpose of securing water from the System or of delivering sewage into the System, or supply water to, or accept any sewage or industrial wastes from, any person or property outside of the Township unless written consent thereto shall have previously been given by or on behalf of the Township.

SECTION 412. Report as to Bonds. Forthwith upon the issuance of any Bonds, the Authority shall prepare and file in the office of the Township Clerk of the Township a schedule setting forth the principal amount, designation, denomination, date of issue, place of payment, maturities, rate of interest and redemption prices (if any) of such Bonds, together with a copy of the resolution of the Authority authorizing such Bonds, each certified by its Secretary and under its seal.

SECTION 413. Termination of this Agreement. At any time after five years from the date of this 1971 Service Contract and after the payment in full of all obligations of the Authority including its Bonds, the Township or the Authority upon two years' notice to the other party hereto, but subject to the provisions of Section 410 hereof, may terminate this Agreement.

SECTION 414. Services Charges to Township. Nothing contained in this 1971 Service Contract shall prevent the Authority from charging Service Charges, or shall require the Authority to charge Service Charges, for or with respect to utility service supplied by the Authority to any municipal or public buildings or facilities owned or operated by the Township in its governmental capacity.

SECTION 415. County or Regional Sewerage System. Notwithstanding the terms or limitations of any other provisions of this 1971 Service Contract, the Authority at any time or from time to time may (a) permit, consent to or approve the construction, acquisition or operation of facilities within or without the Township which are part of a county or regional sewerage system for the purpose, among others, of the transmission, treatment and disposal of sewage collected by the Authority, (b) provide for the delivery of sewage and industrial wastes collected by the Authority to such county or regional system, and enter into and perform contracts with respect to the treatment and disposal of such sewage and industrial wastes by means of such system and the cost and expense of such treatment and disposal, (c) make payments pursuant to said contracts for such treatment and disposal as obligations incurred in maintaining, repairing and operating the System of the Authority in the same manner and from the same sources as other operating expenses are paid under any Bond Resolution, (d) modify the System of the Authority in any manner which the Authority by resolution finds to be necessary in order to obtain the benefits of said contracts and (e) sell, lease or otherwise dispose of any of its property which the Authority by resolution finds, by reason of the existence of said contracts, to be no longer needed in connection with the maintenance and operation of the system and said Authority.

SECTION 416. Execution of Counterparts. This Agreement may be executed in any number of counterparts each of which shall be executed by the Authority and by the Township and all of which shall be regarded for all purposes as one original and shall constitute and be but one and the same.

IN WITNESS WHEREOF, the Authority and the Township have caused their respective seals to be hereunto affixed and attested and these presents to be signed by their respective officers thereto duly authorized and this Agreement to be dated as of the day and year first above written.

NOTICE
Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on September 23, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on October 14, 1971 at Marlboro Elementary School at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.
By order of the Council of the Township of Marlboro,
MILDRED F. ACKERMAN, Clerk
(419.84) 29678

2110

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #201-71

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

Ordinance # 18-71

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING
THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY

be introduced and passed first reading and that the same be published in the Red Bank Register on Thursday, September 30, 1971 with the notice required by law and that the same be considered for final passage on Thursday, October 14, 1971, at 8 P.M. at Marlboro Elementary School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman. After Council and the Mayor agreed the formation of this Authority was necessary to benefit the Township the resolution was adopted unanimously on a roll call vote.

Councilman Grossman offered Resolution #202-71 (Application and agreement for State aid to Municipalities) and urged its adoption. Copy of the Resolution is hereto attached and made a part of as Exhibit "A".

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

Councilman Stokes offered the following resolution and urged its adoption:

RESOLUTION #203-71

"WHEREAS, the Board of Education of the Township of Marlboro has requisitioned \$83,960.00 in district taxes needed to meet all interest and debt redemption charges during the next eight (8) weeks; and

WHEREAS, the Board of Education of the Township of Marlboro has requisitioned \$206,440.40 in district taxes, exclusive of debt service requirements needed to meet the obligations of the Board for the next eight weeks;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian

**NOTICE
ORDINANCE NO. 18-71
AN ORDINANCE OF THE TOWNSHIP
OF MARLBORO CREATING THE
WESTERN MONMOUTH REGIONAL
SEWERAGE AUTHORITY**

WHEREAS, there are in and about the Western Monmouth area waters which are polluted and subject to pollution by sewerage and industrial and other wastes arising from causes within the territories of the municipalities hereinafter mentioned,

WHEREAS, it has been ascertained that there is an imperative need to relieve such waters from pollution and thereby to reduce and ultimately abate the menace to public health resulting from such pollution, and

WHEREAS, the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented) grants power to any two or more municipalities, the areas of which together comprise an integral body of territory, by means and through the agency of a sewerage authority, to acquire, construct, maintain, operate or improve works for the collection, treatment, maintain, operate or improve works for the collection, treatment, purification or disposal of sewerage or other wastes, and the areas of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, together comprise such an integral body of territory, and

WHEREAS, the Township Council of the Township of Marlboro has decided and hereby determines that it is necessary and advisable and that it is in the best interests of the inhabitants of the Township of Marlboro that by joint or parallel action by or on behalf of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, each a municipal corporation of the State of New Jersey situated in the County of Monmouth and herein called "Municipalities", that there be created a sewerage authority pursuant to said Sewerage Authorities Law as a public body corporate and politic and an agency and instrumentality of said municipalities for the purposes of the relief of waters in or bordering upon the State from pollution arising from causes within the area of the Municipalities and the relief of waters in, bordering or entering said area from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, and to further

provide for a collective approach solving the sewerage and pollution problem of the area of said Municipalities; now, therefore,

BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

Section 1. Pursuant to the provisions of paragraph (c) Section 4 of the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented); there is hereby created a public body corporate and politic under the name and style of The Western Monmouth Regional Sewerage Authority.

Section 2. The Western Monmouth Regional Sewerage Authority is and shall be an agency and instrumentality of the said four Municipalities created by parallel ordinances duly adopted by their governing bodies, and is a sewerage authority as contemplated and provided for by said Sewerage Authorities Law and shall have and exercise all of the powers and perform all on the duties provided for by said Sewerage Authorities Law and any other statutes heretofore or hereafter enacted and applicable thereto.

Section 3. The Western Monmouth Regional Sewerage Authority shall consist of eight members thereof, and two of such members shall be appointed by the governing body of each of said municipalities in accordance with the provisions of said Sewerage Authorities Law.

Section 4. The Western Monmouth Regional Sewerage Authority shall be limited in its powers to install, maintain and operate interceptor mains and one or more sewerage treatment plants for the purposes of collecting and treating the sewerage from sewer lines and mains installed, maintained, operated and controlled by the participating municipalities or their local sewer or utility authorities. The areas to be serviced by said Western Monmouth Regional Sewerage Authority includes all of that area as shown on the attached map designated "Map of the Western Monmouth Regional Sewerage Authority", and may further include those areas outside said map area but which are presently serviced by the Pinebrook Sewer Company and other sewer utilities within the Municipalities comprising the Western Monmouth Regional Sewerage Authority area.

Section 5. The Municipalities agree that the following items be included in the original bond resolution of the Western

Monmouth Regional Sewerage Authority created by this Ordinance, and the construction relating thereto commence within the first fiscal year of its operation:

(a) Installation and construction of sewer interceptor lines for the sewerage of the Borough of Englishtown, which have been referred to as Mc Gellaird's Brook and Weamacank Brook interceptors;

(b) Installation and construction of the Holiday North sewer interceptor line in accordance with the Water and Sewer Feasibility Study and Master Plan of the Township of Manalapan;

(c) Installation and construction of sewer interceptor line for the Covered Bridge Planned Retirement Community, the same to be in conformity with the Water and Sewer Feasibility and Master Plan of the Township of Manalapan and the extension of such sewer interceptor line to service such other areas as may be appropriate;

(d) Such plant expansion as may be necessary and incidental to the aforesaid, in accordance with the requirements of the State Department of Health.

(e) The Authority shall acquire the Pinebrook Sewer Company by purchase or condemnation.

(f) If Marlboro has a buy-back agreement with the Pinebrook Sewer Company, it will exercise its rights under the agreement and shall commence legal proceedings to acquire the system within its boundaries directly from the Pinebrook Sewer Company within 60 days from the date of formation of the regional authority.

(g) If Marlboro Township does not commence legal proceedings to acquire the system within 60 days, then the regional authority will negotiate the purchase of the entire Pinebrook Sewer System.

(h) Should Marlboro Township purchase the System within its boundaries from the Pinebrook Sewer Company, then the regional authority will sell the collection system within the Township of Manalapan to the Township of Manalapan at cost.

(i) Should the Township of Marlboro fail to acquire the internal collection system within its boundaries, then the regional authority will acquire the system and sell the same to the Township of Marlboro at cost.

Section 6. A copy of this ordinance duly certified by the Township Clerk shall forthwith be filed by said Township Clerk in the Office of the Secretary of State of the State of New Jersey pursuant to the provisions of the said Sewerage Authority Law.

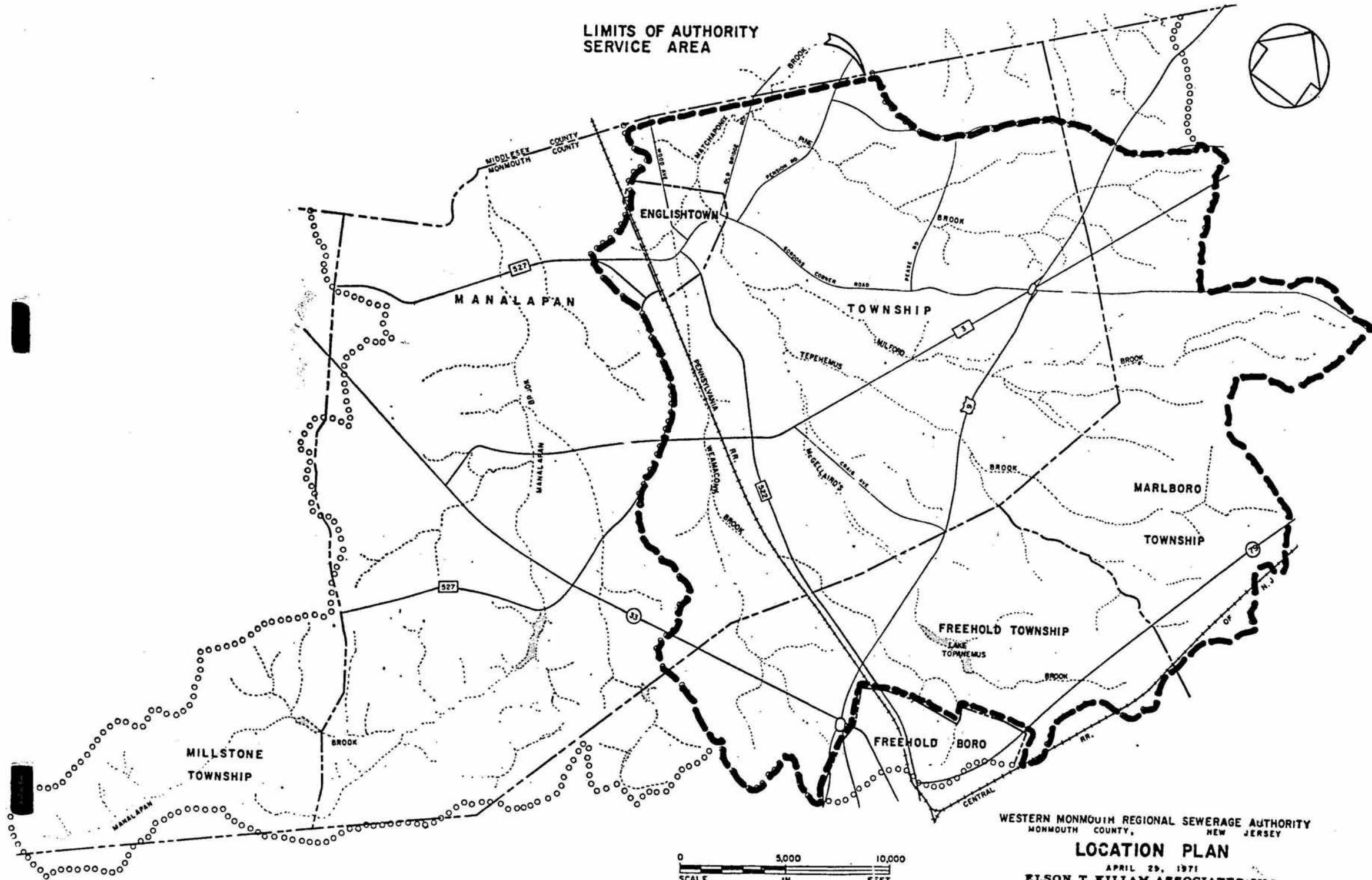
Section 7. This ordinance shall take effect 20 days after publication thereof by title after its final passage, as provided by law, but shall be of no further force or effect after November 15, 1971 unless on or before said date, a parallel ordinance shall have been adopted by the governing body of each of the other municipalities.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on September 23, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School on October 14, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro,
MILDRED F. ACKERMAN, Clerk
Sept. 30

**LIMITS OF AUTHORITY
SERVICE AREA**



WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY
MONMOUTH COUNTY, NEW JERSEY

LOCATION PLAN

APRIL 29, 1971

ELSON T KILLAM ASSOCIATES, INC.

Hydraulic and Sanitary Engineers

48 ESSEX STREET, MILLBURN, NEW JERSEY 07041

of School Moneys the sum of \$83,960.00 for district taxes and the sum of \$206,440.40 for district taxes, exclusive of debt service, within the next thirty days in accordance with the statutes relating thereto."

Seconded by Councilman McLaughlin and adopted unanimously on a roll call vote.

No Council action was taken on Resolution #204-71, the major subdivision application of Pleasant Valley Heights Subdivision, pending study of Mr. Avakian's engineering report dated September 23, 1971.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #205-71

"WHEREAS, in the past prospective purchasers of homes in major subdivisions in the township have not been informed by the developers of the probable location of proposed state highways and the existing land use regulations prior to their purchase of homes in said subdivisions; and

WHEREAS, said developers should fully inform prospective purchasers of the existence of future highways and of land use regulations in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that effective immediately all major subdivision developers shall post in their sales offices copies of the township zoning map and notices of any proposed improvements by the state, county or municipality which may affect the value of the properties being purchased.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to all present and future major subdividers in the township."

Seconded by Councilman Stokes.

DISCUSSION: Councilman Grossman said this should be done by ordinance to be effective. Councilmen McLaughlin and Herman agreed but said the Council wished to go on record in the meantime and the resolution was adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #206-71

"WHEREAS, the New Jersey Department of Transportation has acquired lands in connection with Route 18 which are not required for the right-of-way of said highway; and

WHEREAS, said lands lie adjacent to residential subdivisions and said lands should be under the control of the Township of Marlboro to be used for municipal purposes; and

WHEREAS, the use of said surplus lands for state highway maintenance purposes and other ancillary highway uses would be detrimental to the value of property in the immediate vicinity;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that request be made to the New Jersey Department of Transportation to convey to the Township of Marlboro any and all parcels of land not needed for the right-of-way of Route 18 which lie adjacent to residential subdivision in the township."

Seconded by Councilman Herman.

DISCUSSION: Mr. Herbert Gold and ^{Mr.} Spencer Halper, members of the Special Route 18 Committee, were introduced to the public and were applauded by Mayor and Council for their efforts to have the public hearing reopened which resulted in a meeting to be held in the Municipal Offices at 3 P.M. on September 28, 1971 with Assemblyman Dawes, Senator Stout and representatives of the New Jersey Department of Transportation. Mr. Halper reported on the background and progress of the committee's efforts to date.

Mr. Halper also suggested the resolution be amended to provide for funds for attorney's fees to take the State to court in an effort to move the highway in the event the State determines they will not move the highway to the satisfaction of the municipality.

Council agreed to consider Mr. Halper's proposed amendment as a separate action and the resolution was thereafter adopted unanimously on a roll call vote.

After the adoption of the foregoing resolution the Mayor interrupted the order of business to propose the Council adopt a resolution to support the Morganville First Aid Squad and urged all residents to write to the Governor and Legislature requesting that Bill #1384 be amended in accordance with the First Aid Council's request regarding the training certification of local First Aid Squads. He said he would proclaim October 3, 1971 as Save the

Volunteer First Aid Squads in the township. He then read his proposed resolution for Council's consideration. The Chair called a recess to consider the Mayor's request.

The meeting was called back to order at 11:45 P.M. at which time Councilman Grossman urged Resolution #207-71 (the Bill Paying Resolution, attached hereto^{as Exhibit B}) be adopted. Seconded by Councilman Herman and adopted with Councilman Stokes abstaining.

At this point in the meeting the Mayor interrupted the order of business to speak regarding Mr. Minogue's vouchers totaling \$13,617.13 that have not been paid. He said Mr. Minogue's bill for \$2,110.00 is held because it was coded for 1970 which Mr. Minogue said was in error and should be charged to 1971 Legal O.E. However, the Mayor said it was his intention to rule that this be paid out of deferred charges and that unless there was formal notification from the Council and Auditor setting forth why an exception should be made, the voucher would not be paid until 1972. The Mayor said \$7,500.00 is the amount in question in the lawsuit and that a \$2,000.00 voucher for August services had only recently been submitted. He said he was returning Mr. Minogue's voucher of July 2, 1971 charging \$50.00 an hour.

Councilman Grossman proposed his following resolution, which he urged be adopted:

RESOLUTION #208-71

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

Ordinance #19-71

"AN ORDINANCE PROMULGATING A CODE OF ETHICS, A FULL DISCLOSURE BILL AS PROPOSED BY THE MARLBORO TOWNSHIP JAYCESS"

be introduced and passed first reading and that the same be published in the Asbury Park Press on September 29, 1971 and that same be considered for final passage on Thursday, October 14, 1971 at 8 P.M. at Marlboro Elementary School at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Herman for discussion.

DISCUSSION: Councilman Herman said he had studied the proposed ordinance and although it contained valid points he was not in favor of it as he felt it was not as strong as the ordinance already in effect. He said he was working on an ordinance which would

combine the strongest points of our present ordinance, the Jaycees proposal and the Freehold and Maraziti bills and should have it ready for Council consideration at the next caucus. Councilmen Williams and McLaughlin agreed that the Jaycees code was not intended to be the final draft but merely a proposal and was not acceptable in its present form. After considerable discussion Councilman Herman moved a motion to table the resolution. Seconded by Councilman McLaughlin and carried unanimously on a roll call vote.

Because of the late ^{hour} Councilman Grossman moved that the remainder of the business on the agenda including the Subdivision Ordinance Public Hearing be continued to October 14, 1971. Seconded by Councilman Herman and carried unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #209-71

"BE IT RESOLVED that the Mayor and Council of the Township of Marlboro, Monmouth County, New Jersey, do hereby support the New Jersey State First Aid Council and the respective districts which unite to form this group in their efforts to resist State level regulating of Volunteer First Aid Squads.

BE IT FURTHER RESOLVED that the Township of Marlboro will fully support the Morganville First Aid and Rescue Squad, Inc. in its endeavors to support the New Jersey State First Aid Council in resisting state level regulating of Volunteer First Aid Squads."

Seconded by Councilman Stokes and adopted unanimously on a roll call vote.

Councilman McLaughlin offered the following resolution and urged its adoption:

RESOLUTION #210-71

"WHEREAS, the Council of the Township of Marlboro has gone on record as being anxious to reopen the hearing on proposed Route 18 and passed a resolution on August 31, 1971 stating such intent; and

WHEREAS it is the intent of the Council of the Township of Marlboro to move the proposed right-of-way of Route 18 away

from established homeowners in the subdivisions of Monmouth Heights and Whittier Oaks East as to not be a detriment to said homeowners; now therefore

BE IT RESOLVED that the Township Council state its intent to vote funds for attorney fees not to exceed \$2,500.00 to take the necessary legal steps in an effort for movement of the highway in the event that the state determines they will not move said highway to the satisfaction of the municipality."

Seconded by Councilman Herman and adopted unanimously on a roll call vote.

ACTION ON MINUTES: Acting President Williams called for action on Council minutes and moved that the minutes of March 25, 1971 be approved. Only Councilman Williams and Grossman were present at that meeting and Councilman Grossman refused to second the motion saying he had not recently reviewed the minutes. Action on minutes was tabled until October 14, 1971.

The Mayor demanded copies of all unapproved minutes be furnished to him. Upon Mr. Grabler's approval copies of all minutes were presented to the Mayor.

Councilman Herman then proposed a resolution to override the Mayor's veto of the Lloyd Road Bonding Ordinance. Seconded by Councilman Stokes. DISCUSSION: Councilman Grossman said this would be a long meeting and asked for a legal ruling from the attorney if Mr. Stokes could vote on the override of an ordinance which he did not vote on. Mr. Grabler said Mr. Stokes had the right to vote if he was familiar with the ordinance, if he read the minutes and if he is familiar with the issues. Councilman Grossman said according to the codification (Sect.16-5) all items to be acted upon at a public meeting must be set forth on the agenda and that everything added to the prepared agenda must be illegal including all business previously acted upon which was not on the agenda. Councilman ^{Grossman} asked for a legal ruling if this could be added to the agenda and instructed the Clerk to produce the present Administrative Code.

The Chair declared a recess. The Clerk returned from the Municipal office with the records and the meeting was called back to order.

Following a review of the present Administrative Code and its amendments and the proposed codification, Mr. Grabler ruled that Section 16-5 (Agenda) at page 1603 of the Code of the Township of Marlboro has not yet been adopted and is not legal; that

the existing Administrative Code and amendments thereto do not reflect an agenda and therefore it is legal that the agenda can be added to by Council as has been the practice.

Councilman Grossman then spoke at great length again setting forth all his objections to the project and Council's action to override the veto at this late hour.

The Mayor said the Road Department had spent 126 man hours cleaning out the drainage ditch and it was now satisfactory, that his basic objections to the ordinance was on economic grounds and asked Council not to take this step but to wait until the next Council meeting.

Councilman Stokes said he had read the ordinance and the minutes, had studied the project, had walked the area and spoken with the people and felt the project was badly needed.

Councilman Herman, for the record, acknowledged receipt of petitions containing approximately 250 signatures asking Council to override the veto and proceed immediately with the Lloyd Rd. project.

Councilmen McLaughlin and Williams said all the issues had been fully debated and that they were in favor of this worthwhile project.

The motion to override the Mayor's veto of Ordinance #12-71 was adopted on the following roll call vote:

Ayes: Councilmen Herman, Williams, Stokes and McLaughlin

Nays: Councilman Grossman

MAYOR'S REPORT:

The Mayor acknowledged receipt of notice of petition for rate increase by the Jersey Central Power and Light Co.

Announced the appointment of Mr. Gerald Henwood, 28 Maywood Drive to the Industrial Commission to serve the unexpired term of Robert O. Wendel.

Report of moneys in General Fund.

Investment report

Road Division report.

Tax Collector's report for August.

Filed his financial disclosure form with the Clerk.

At 3:15 A.M. the meeting was opened to the public.

At the close of the public session Councilman Herman moved to adjourn the meeting. Seconded by Councilman McLaughlin and carried unanimously on a roll call vote.

The meeting adjourned at 3:40 A.M.

Mildred J. Ackerman
Mildred F. Ackerman, Clerk

John H. Williams
JOHN H. WILLIAMS,
Acting Council President

Minutes Approved: 11/30/71

Offered: Grossman
Secured: Mr. Laughlin
5 yes -
0 no -

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Trenton

APPLICATION AND AGREEMENT FOR STATE AID TO MUNICIPALITIES

1972

(Insert year)

No. To be filled in by State

State's Share \$ 72,000
Municipality's Share \$ 8,000
Total \$ 80,000

County of Monmouth
Township of Marlboro
Route 520 (Newman Springs Road)
(Name of Municipality)
(Name of Road)

RESOLUTION #202-71

WHEREAS, Under Revised Statutes, Title 27 Chapter 15, and amendments, the Commissioner of Transportation is authorized and directed to reserve each year a sum from the Motor Vehicle Receipts to meet the State's share in each County, for the construction or reconstruction of Municipal Roads as provided in said act.

Now, therefore, be it Resolved, That application is hereby made to the Commissioner of Transportation for aid under said act and amendments in the sum of \$ 72,000 for the construction or reconstruction of that section of road known as

Route 520 (Newman Springs Road)
Local name of Road

FROM 600 feet east of Wyncrest Road

TO 1500 feet west of Wyncrest Road

in the Municipality of Marlboro, County of Monmouth, State of New

Jersey for a distance of 0.38 miles (or such portion thereof as may be approved by the Commissioner of Transportation.)

(a) It is proposed to survey the road and prepare plans and specifications therefor

(b) Work to be performed by Contract, unless otherwise approved.

(c) Type of construction contemplated. (Check appropriate blocks)

Surface:		Thickness	Item	Unit	Quantity	Estimate of Cost					
						Unit Price	Total				
<input type="checkbox"/>	Concrete	<input type="checkbox"/>	Plain	<input type="checkbox"/>	Reinforced	"	Grading	C.Y.	9500	\$1.50	\$14,250
<input checked="" type="checkbox"/>	Bituminous Concrete	FABC-1	(Type)	2"	"	"	Drainage	L.S.	-	-	7,500
<input type="checkbox"/>	Penetration Macadam	"	"	"	"	"	Paving	S.Y.	9350	5.75	53,762
<input type="checkbox"/>	Road Gravel	"	"	"	"	"	Curb				
<input type="checkbox"/>	Other	(Insert Type)	"	"	"	"	Guard Rail				
Foundation:		<input checked="" type="checkbox"/>	New	<input type="checkbox"/>	Existing	"	Incidentals				4,487
<input type="checkbox"/>	Concrete	<input type="checkbox"/>	Plain	<input type="checkbox"/>	Reinforced	"	Total Estimate:				\$80,000.00
<input type="checkbox"/>	Macadam	"	"	"	"	"	Right-of-Way Width		80		Ft.
<input type="checkbox"/>	Modified Macadam Intermediate	"	"	"	"	"	Width between Curbs		40		Ft.
	Course	"	"	"	"	"	Width of Pavement		40		Ft.
<input type="checkbox"/>	Road Gravel	"	"	"	"	"	Graded Width		80		Ft.
<input checked="" type="checkbox"/>	Other	Bit. Stab. Base	(Insert Type)	6"	"	"					

**The Following
Documents are
of
Poor Quality and
Can't be Filmed
any
Better**

and to keep accurate records of material going into the work the hire of labor and equipment and such other proper charges. On Force Account work the responsibility of expending the money appropriated will lie directly with the Municipality under State supervision and as much work will be done as is consistent with the specifications and with the amount available for the work.

6. The Municipality agrees to submit bills for payment in accordance with rulings by the said party of the first part.

7. The Municipality agrees to properly maintain the road after completion in a condition satisfactory to the Commissioner.

RESOLVED, That the presiding officer of this Municipality execute and submit two (2) properly certified copies of this resolution and agreement to the Commissioner of Transportation.

The Municipality of Township of Marlboro will authorize the sum of (\$ 80,000)
(State & Municipal Share)

for the financing of the improvement, in accordance with the requirements of R.S. 27:15-1.14(F) and additional funds if practicable and required to complete the project herein described.

AGREEMENT

In consideration of approval by the Commissioner of Transportation of this application and the allocation of funds for the proposed work, it is hereby agreed as follows.

1. The Commissioner of Transportation agrees to set aside from the funds provided for the purpose of this act and amendments, the sum of _____ dollars (\$ _____)
(To be filled in by the State)

to meet the States share of the cost of said work, but the payment to the said party of the second part shall in no case exceed 90 per cent of the cost. Upon completion of the proposed project herein described any balance remaining of the above amount set aside by the Commissioner of Transportation shall be canceled by the said Commissioner and placed in a General Fund for reallocation to Municipalities in _____ County.

2. The Municipality agrees to have all work executed in accordance with New Jersey State Highway Department Standard Specifications and amendments thereto.

3. The Municipality agrees, if requested by the Commissioner of Transportation, to have a survey made, plans, specifications and contract prepared for the letting of contemplated work by contract and to acquire necessary rights-of-way; to employ a licensed engineer to make such survey plans and specifications. The matter of engineering shall be submitted to the Department of Transportation for determination as to the necessity therefor. If the department shall determine engineering work is necessary, the State's share shall be limited to such character, extent and charges as shall be approved by the Commissioner of Transportation. Where the engineer is the duly appointed municipal engineer, employed on an annual salary, the State will not share in the cost of engineering. The Commissioner of Transportation may share in all expenses incurred for such survey, plans, specifications, rights-of-way and contracts out of money allotted for the construction or reconstruction of said road and the State's share set forth above is the total amount of State funds available for construction, reconstruction, engineering and rights-of-way.

The Municipality further agrees to submit said plans, specifications, contracts and cost of right-of-way to the Commissioner of Transportation for approval. Upon such approval the Municipality shall cause advertisements calling for receipt of bids to be placed in the proper manner and after the receipt of bids to award the contract to the lowest responsible bidder subject to the approval of the Commissioner of Transportation.

4. The Municipality agrees, in case a survey is unnecessary and no plans are needed, but where work is to be performed by contract, it will cause to have prepared necessary specifications outlining the proposed work, which it is agreed will be submitted to the Commissioner of Transportation for approval. Upon such approval the municipality will cause advertisements calling for receipt of bids to be placed in the proper manner and after the receipt of bids to award the contract to the lowest responsible bidder subject to the approval of the Commissioner of Transportation.

5. The Municipality agrees, in case the work is to be done by Force Account, that the over-all cost of the work and determination of limits shall be those established by the Commissioner of Transportation and before any work is started to enter into an agreement with the party of the first part covering rates to be paid for labor, equipment, materials, etc., and to keep accurate records of material going into the work, the hire of labor and equipment and such other proper charges. On Force Account work the responsibility of expending the money appropriated will lie directly with the Municipality under State supervision and as much work will be done as is consistent with the specifications and with the amount available for the work.

6. The Municipality agrees to submit bills for payment in accordance with rulings by the said party of the first part.

7. The Municipality agrees to properly maintain the road after completion in a condition satisfactory to the Commissioner.

RESOLVED, That the presiding officer of this Municipality execute and submit two (2) properly certified copies of this resolution and agreement to the Commissioner of Transportation.

It is hereby certified that the road or portion of road for which application has been approved is a Municipal Road in need of construction or reconstruction, has a width of right-of-way not less than 33 feet, and control thereof is attested by the Municipality.

I hereby certify the above to be a true copy of a resolution passed by the Governing Body of

Township of Marlboro

Monmouth

(Insert name of Municipality)

County, New Jersey.

IN WITNESS WHEREOF, The said parties have approved this application and agreement by official action taken on the dates hereinafter indicated.

FOR THE MUNICIPALITY

Date: 9/23/71

Attest: Mildred D. Acker
Municipal Clerk

s/ John H. Williams
Presiding Officer
Acting Council Pres.

FOR THE DEPARTMENT OF TRANSPORTATION

O.K. as to funds

Comptroller

Approved

Director of Local Government Aid

It is hereby certified that the foregoing allocation of funds and agreement were approved by the Commissioner of

Transportation on

Secretary, Department of Transportation

Note: For information of Governing Body of Municipality:

When it is desired to perform the work by Force Account method, the Municipality must submit a written request to the Commissioner of Transportation for approval to perform the work by such method, stating the length that will be completed, the unit estimated cost, and submit the required price agreement covering rates to be paid for labor, equipment, materials, etc. The work may begin immediately upon approval of the request and price agreement by the State.

When work is to be performed by Contract, the Municipality shall cause to have prepared by a licensed engineer, survey, plans and specifications, or specifications in case plans are not needed, and upon completion of same shall submit them to the Commissioner of Transportation for approval. After Commissioner of Transportation approval, bids may be requested. Contracts are to be awarded by the Municipality subject to approval of the Commissioner of Transportation.

ORDINANCE PROCEDURE

An Ordinance must be considered immediately upon approval of the Application by the State and in order that an ordinance may not be defective, it is necessary to know the correct legal procedure. It is recommended that the Municipal Attorney be consulted in the preparation of the ordinance in order to assure compliance with existing statutes.

RESOLUTION # 207-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
James R. Minogue, Esq.	Misc. Services, May	1,400.00	
	Misc. Services, June	1,800.00	
	Twp. vs. Dom Manzo	79.93	
	Misc. Services, July	900.00	4,179.93
Leon S. Avakian, Inc.	Retainer, July	300.00	
	Insp. U.S.Homes, July	1,849.90	
	Insp. Levitt, June	379.10	
	Insp. Levitt, July	742.70	
	Insp. Holiday, July	39.30	3,311.00
Edward L. Fleischer, Esq.	Retainer, July	200.00	
	Retainer, August	200.00	400.00
Howard M. Schoor	Retainer, April	200.00	
	Retainer, May & Site Plan Rev.	830.00	
	Retainer, June	200.00	
	Retainer, July	200.00	1,430.00
Robert Eisner, R.M.A.	1970 Audit Report		8,500.00
Jersey Central Power & Light	7/27-8/25, 3599	240.47	
	7/26-8/25, 5313	40.69	
	6/24-7/27, 3599	46.66	
	Street Lighting, Aug.	2,636.72	3,186.15
	6/24-7/27/	221.51	
N.J. Bell Telephone	536-3465, August 1	Admin.	11.25
	536-4444, August 1	Admin.	31.46
	462-0059, August 4	Admin.	398.69
	536-3399, August 1	Admin.	15.75
	431-9346, August 19	Admin.	13.25
	536-4444, September 1,	Admin.	32.59
	462-5713, July 26	St & Rd	15.95
	431-1111, August 19	Police	248.82
	431-1734, August 19	Library	8.10
N.J. Natural Gas Co.	7/20-8/18, 4973	3.47	
	7/20-8/18, 4990	3.09	6.56
Mildred Ackerman	Mail Deposit		50.00
Pleasant Valley Inn	Lunch w/ Hud Regional Office		27.67
Photography by Paradis	Frames		9.60
Colonial News	Front Page Reader		11.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Div. of Local Finance	Penalty		65.00
N.J. State League of Mun.	Subscriptions		37.50
Mat-Key Press, Inc.	Voucher Pads		21.50
Amer. Insurance Assoc.	Fire Prevention Code, Books		10.00
Xerox Corporation	Use Charge & Installation	353.29	
	Meter Usage	1,558.71	1,912.00
Alyce Lathrop	Testimonial dinner & Luncheons		58.28
Asbury Park Press, Inc.	Legal Advertising		373.52
Marlboro Waxing Service	Library, Janitorial Service	22.00	
	Police, Janitorial Service	34.50	56.50
A & A Coffee Service	Coffee Kit, August 11	24.00	
	Coffee Kit, August 26	24.00	48.00
Build 'N' Save Inc.	Light Bulbs	2.42	
	Toilet Seat	4.45	6.87
Kepwel Spring Water	Cooler Rental and Water		22.50
State Chemical Mfg. Co.	Lil Brother Sam		67.00
Hillpot Farm Store Inc.	Cleaning equipment		25.89
Sloan Products Co.	Towels	28.50	
	Towels	19.50	
	Twine & sealing tape	19.40	67.40
The Daily Register	Legal Advertising		3.75
The Freehold Transcript Inc.	Legal Advertising		8.40
Allen Warren Associates Inc.	June Ad & Statewide Survey		460.00
Walter Heath Company Inc.	Fingerprint items	33.50	
	Handcuff cases	14.00	47.50
Radio Communications Company	Radio Repair		15.00
Hugh G. Boyd Assoc.	Radar Certifications		30.00
Miller's Cleaners	Drycleaning July		104.00
Rue's Automatic Transmission	Rebuilt Torque Flite Trans.		175.00
B & B Auto Radiator	Radiator Repair		62.19
Scrub-A-Dub Car Wash	Car Wash July		28.75
Kem Manufacturing Corp.	Cleaning equipment		112.10

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<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Mechanics' Uniform Rental-	Uniform Rental July		105.40
Shore Tractor Company	Guards & Shoes	29.79	
	Plate	17.81	47.60
M.D. Stokes	Saws		10.75
Dick's Lawn Mower Service	Sharpen chain Saw		39.85
North Jersey Equipment Co.	Broom for Sweeper		42.70
The Cumming Co., Inc.	Discharge Chute		106.50
Ellison Products	Wire Connectors		89.09
Tom's Ford Inc.	Seals	51.24	
	Lens	3.30	54.54
Alfred L. Storer	September Dumping		200.00
Usher Publishing Co.	Record of Marriage		79.35
American Medical Assoc.	AMA Drug Evaluations		15.00
Ryan Brothers	Polaroid Film		11.78
Center Food Market	Food for Summer Program		12.19
United World Films	Rental Film		22.80
Mason's Department Store	Kodachrome Film		40.15
Circle Athletic Equip.	Pool Tables 1970		636.50
Mida's	Greenware		25.00
Fishkin Bros. Inc.	Cartoons		20.50
Murry's Office Supply	Duplicator Paper		681.00
Boro Busses Company	Trip to Yankee Stadium	223.40	
	Trip to Phila.	278.40	501.80
Asbury Park-N.Y. Transit	Trip to Hyde Park		194.00
Lou Coopers	Streamers	10.33	
	Magic Markers & Supplies	25.16	
	Supplies, SYAP	104.39	139.68
Great A & P Tea Co.	Groceries, SYAP	42.43	
	Groceries, SYAP	68.16	110.59
Northwood Lumber Co.	Assorted Hardware SYAP	104.45	
	Glue SYAP	16.16	120.61

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Jersey Shore Medical Cent.	Medical expense, suspect		63.75
Amboy Generator Serv.	Regulator		16.77
Mullaney Tire Service	Tires		160.84
V.E. Ralph & Son	First Aid Kit		82.90
Red the Tailor	Uniforms	241.85	
	Uniforms	341.18	583.03
Paul L. Linnett & Co.	Copy paper	23.60	
	Typewriter ribbons & supplies	103.84	
	Copy paper	39.10	166.54
Sprague's Oil Service	Gasoline August	1,003.45	
	Gasoline July	926.96	
	Gasoline June	243.40	
	Fuel Oil June	127.95	
	Fuel Oil July	40.30	
	Gasoline July	392.21	2,739.27
Matty's Auto Parts Inc.	Water pump	15.66	
	Caps	14.32	
	Pads	37.25	
	Shocks	59.60	
	Oiler	11.01	
	Heavy Duty Shocks	57.80	
	Eis	1.47	
	Heavy Duty Shocks	59.60	
	Batteries	97.50	
	Hose	12.34	
	Mirror	14.64	
	Bulbs	8.82	
	Flashers	16.68	
	Brake Fluid	9.75	
	Filters	17.18	
	Oil Filters	14.64	
	Hose	29.40	477.66
Joseph A. Mazzeo	Radio Repair	33.00	
	Radio Repair	32.00	
	Radio Repair	36.00	101.00
Millers Stag Shop	Uniforms		447.60
Base Automotive Supply	Calibration		10.00
R & A Auto Body Shop	Repair car # 62		575.25
Maurice Schwartz & Sons	Fan		11.22
Usher Publishing Co.	Failure to Appear Notices	91.39	
	Traffic Tickets	185.50	276.89

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Solomons	Ping Pong Sets SYAP		101.55
Walter Edick	Lock SYAP		7.61
Philip Catanzaro	Wrestling Instruction SYAP		120.25
Lee Neary	Basketball Instruction SYAP		299.00
Lelia H. Neary	Tennis Instruction SYAP		299.00
Robin Rielly	Karate Instruction SYAP		156.00
Rainbow League	Donation 1971		500.00
Kenneth Fortier	Services SYAP		78.00
Miller Preston Jr.	Services SYAP		107.25
Charles Roche	Services SYAP		107.25
Robert D. Sisco Assoc.	Baseball Equipment Rec. Trust Acc't		132.21
Manzo Contracting	Coldpatch	637.11	
	Coldpatch	598.81	1,285.95
H.J. State Dept. of Health-	Dog Account		7.00
			<u>38,228.89</u>

Offered by: *Grossman*

Ayes: *4*

Seconded by: *Herman*

Nays: *0*

Atstain Stakes

The above Resolution was adopted this 23rd day of September, 1971.

Mildred F. Ackerman
 MILDRED F. ACKERMAN, CLERK

John H. Williams
 JOHN H. WILLIAMS, COUNCIL PRES.
John H. Williams

COUNCIL OF THE TOWNSHIP OF MARLBORO
REGULAR MEETING OF OCTOBER 14, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President McLaughlin at 8:05 P.M. on Thursday evening October 14, 1971 at Marlboro Elementary School, School Road West, Marlboro. Following the Pledge of Allegiance to Our Flag the roll was called.

ROLL CALL: Present: Councilmen Grossman, Herman, Stokes and McLaughlin
Absent: Councilman Williams (Councilman Williams arrived at 8:12 P.M.)

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue and Clerk Mildred F. Ackerman.

President McLaughlin reviewed the agenda and called for a motion to defer the public hearing on Ordinance #14-71 (Codification) until November 11, 1971. So moved by Councilman Grossman, seconded by Councilman Stokes and carried unanimously by those present (Councilman Williams arrived after the roll call vote).

PUBLIC HEARING: Ordinance #18-71 AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY
(Copy of Ordinance is attached hereto as exhibit "A")

Reprints of the ordinance were available to the public and the hearing was declared open.

Mr. Martin Powers, 34 Halifax Drive, Morganville asked if this ordinance would have any effect on the rate of his sewer service.

Mrs. Bonnie Hitzelberger, Ridge Road asked where the boundaries were on Route 79 and when she could expect to have sewers in her area.

Mrs. Sona, Harbor Road asked how long ago this matter was brought up and why her area wasn't considered first as they have serious drainage troubles.

Mrs. Helen Davis, Texas Road, Morganville said something should be done about water and sewerage in the Texas Road area where it was most needed.

Mrs. Witt, Lloyd Road asked about plans for water and sewers on Lloyd Road.

Mr. Martin Powers questioned paragraphs e, f, g, h and i of Section 5 relating to the MUA buy back agreement and asked when the buy backs would be effected.

As no one else wished to speak, the public hearing was closed at 8:40 P.M.

Councilman Williams introduced Resolution #211-71 and urged its adoption:

RESOLUTION #211-71

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

Ordinance #18-71

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

A recess was declared at 8:45 P.M.
The Chair called the meeting back to order at 8:55 P.M.

PUBLIC HEARING: Ordinance #17-71 AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE EXECUTION OF "1971 SERVICE CONTRACT BETWEEN THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY"
(Copy of Ordinance is attached hereto as exhibit "B")

Reprints of the ordinance were available to the public.

Council President McLaughlin introduced Mr. William Mehr, a member of the firm of Cerrato and O'Connor, MUA Attorneys and briefly explained the purpose of the ordinance.

Mr. Mehr introduced Mr. Thomas Reilly of Bache and Co.; Mr. Ralph Brown, MUA bond counsel; Mr. Emil Hodor of Charles J. Kupper, Inc., the MUA Engineer and Mr. William Schwartz, MUA Auditor, MUA members Edward Tilton and John May.

The meeting was opened to the public.

Mr. Austin Ludlow, 13 Concord Rd., Marlboro asked for a clarification as to the costs of the water project and its feasibility and funding, whether or not HUD required the Township guarantee before they would guarantee the loan and the

interest rates on the bonds. He said the Township should sell the bonds because they could obtain a more favorable interest rate.

Mr. Martin Powers, 34 Halifax Drive, Morganville said the contract should specify that the Planning Board be consulted as to where the MUA ground facilities would be located. He also asked for a clarification of Section 202 B and questioned why the Engineer would have the authority to effect a change in the system as he thought this should be an accountant's responsibility. He cited Section 205 and asked for a definition of the word "Township", saying that if this referred to Council it should be so defined.

Mr. Powers also questioned Section 204 of the ordinance reprint and MUA Attorney William Mehr noted that the following words had been omitted from the reprint: "free of charge by the Township along, over, under and in any", which words should be inserted so that the third line from the bottom of that section of the reprint reads: "operate the System free of charge by the Township along, over, under and in any streets, alleys, highways and other public places within the Township".

Mr. Powers asked how the MUA would function with relation to the Ecology Dept. and whose responsibility it would be to decide the color of the water tank.

Mr. Powers concluded his discussion of the ordinance by questioning Section 207 before Article 3 relating to the necessity of the mandatory water hook-up. He did not agree with the mandatory hook-up and questioned what studies had been made as to the number of persons willing to hook up.

Councilman Grossman said the words "will hook up" should be changed to "may hook up".

Mr. Powers asked if it was constitutional to require a mandatory hook-up.

Mrs. Helen Davis, Texas Road said she paid school taxes for over twenty years when she didn't have school children and that she approved of the mandatory hook up because people needed water desparately in her area as quickly as possible. She said people would pay for the water they needed and it was not fair to say they would not pay for it.

Mrs. Sona, Harbor Road said the people in Morganville should have received water two years ago without expanding the system to include people who didn't want water. She was not in favor of this ordinance nor the mandatory water hook up and said she had carried petitions which people signed to object to the mandatory hook up, although they were not against water and questioned the MUA's inability so far to set definite rates and charges.

Mrs. Alberta Cornelius, Wicker Place said the water grant was not only for the black people but for all the people including white people in that area.

Council President McLaughlin spoke of the need for this system and was in favor of moving ahead and noted that the larger water mains were included in the system at his suggestion. He urged everyone to pull together.

The Mayor objected to people being forced into the system when they didn't want to and said he wanted the MUA to make sure when they said something that it is right. He said the MUA did not have good statistical data available.

Mr. Robert Dreblat, Lindsay Drive, Morganville, asked if the MUA knew the approximate mineral content of the water before their well was dug. He also asked if the people in the developments would have to pay a hookup charge when and if they eventually hooked into the system.

Mr. Morton Cohen, Sudbury Road, said the water system did not benefit the maximum number of people, but did benefit the owners of all vacant land. He said the people in Whittier Oaks would be pleased to see a road project to pave Thomas Lane or supply water to Mrs. Davis but not to put water pipes in vacant land.

Mr. Robert French, 26 Jacata Road, Marlboro, said Mrs. Davis and people who need water should have it, but people who didn't want it shouldn't be forced, nor should they have to pay for it by subsidy. He asked for more facts.

Mr. Thomas Antisell, Reids Hill Road, Morganville, asked if there was a way to estimate a maximum figure and if a service agreement such as proposed tonight has ever before resulted in a calamity. He said the system was necessary to interest industry in locating in town.

Councilman Grossman asked the MUA Bond Counsel what the effect would be on the interest rate or sale of the bonds if the township were to limit the amount of indebtedness in the service contract. Mr. Brown replied if the bonds could be sold with such a limitation it would increase the interest rate about 1/2%.

The Mayor asked if the municipality could float the bond, take title to the entire system and lease it to the MUA to operate. He said as Mayor he would have the problem of administering the town and enforcing the mandatory hookup.

Mr. Sidney Leveson, School Road West, asked if we would still be able to get government grants if the township took over the system and if the town could control future expansion by the MUA.

A recess was called at 10:45 P.M.

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The meeting was called back to order at 11 P.M. at which time Mr. Reilly read a letter from Bache & Co. dated September 30, 1971 addressed to the MUA setting forth their opinion as to the necessity of the service contract.

Mrs. Sheila Gross asked Council when it first knew a service contract was necessary and said people who need water should have it without the township subsidizing it.

Councilman Grossman and the Mayor objected to the last minute urgency of having to approve or disapprove the ordinance.

Mr. Ronald Sherman said he was in favor of hearing Council discuss the ordinance.

Mr. Edward Adams objected to Section 406 regarding effect of breach and asked that this section be changed.

MUA member John May spoke on the ordinance and urged its adoption.

Mr. Thomas Saathoff, Topanemus Road, questioned the MUA as to their proposed rate schedule and questioned the feasibility of the entire water system.

A recess was called at 12:06 A.M. and the meeting was called back to order at 12:15 A.M.

Mr. Robert French asked for the results of the MUA survey and wanted to know how many people objected to the mandatory hookup and whether or not Council was satisfied with the contract as presented tonight.

Mr. Charles Smith said he would like to make suggestion that the Councilmen draw up some kind of resolution to buy back the water rights and get somebody else to put in the water. He objected to the high engineering fees.

Mrs. Sona questioned how many gallons of water an average family would use and the cost of water per gallon over the 125,000 gallon minimum.

Due to the late hour Council President McLaughlin called for a motion to continue the public hearing to Monday evening at 8 P.M. So moved by Councilman Herman and seconded by Councilman Grossman. Following discussion, Councilman Herman withdrew his motion and Councilman Grossman withdrew his second of the motion to continue the meeting to Monday evening.

Councilman Grossman then moved to continue the public hearing and the remainder of the meeting to Tuesday evening, October 19, 1971 at 8 P.M. Seconded by Councilman Williams. Following further discussion as to the date the MUA contracts must be signed and the availability of the school for the continued meeting, Council Pres. McLaughlin announced that Board of Education President Robert Kramer had just offered Council the use of Central School facilities on Monday evening, October 18th. The motion to continue the meeting to Tuesday and its second was withdrawn.

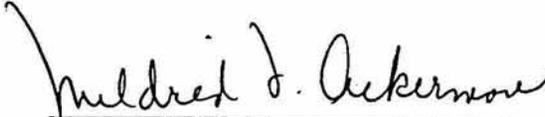
At this point in the meeting, the Mayor publicly signed his approval to Ordinance #18-71 (Western Monmouth Regional Sewerage Authority).

Councilman Williams then moved to continue the public hearing and the remainder of the meeting to Monday evening, October 18, 1971 at Central School at 8 P.M. Seconded by Councilman Grossman and carried on the following roll call vote:
Ayes: Councilmen Grossman, Williams, McLaughlin and Stokes.
Nays: Councilman Herman.

The meeting adjourned at 12:55 A.M., to be continued Monday evening, October 18, 1971.



Council President McLaughlin



Clerk Mildred F. Ackerman

Minutes approved: 11/30/71

NOTICE
ORDINANCE NO. 18-71
AN ORDINANCE OF THE TOWNSHIP OF MARLBORO CREATING THE WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY

WHEREAS, there are in and about the Western Monmouth area waters which are polluted and subject to pollution by sewerage and industrial and other wastes arising from causes within the territories of the municipalities hereinafter mentioned, and

WHEREAS, it has been ascertained that there is imperative need to relieve such waters from pollution and thereby to reduce and ultimately abate the menace to public health resulting from such pollution, and

WHEREAS, the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented) grants power to any two or more municipalities, the areas of which together comprise an integral body of territory, by means and through the agency of a sewerage authority, to acquire, construct, maintain, operate or improve works for the collection, treatment, maintain, operate or improve works for the collection, treatment, purification or disposal of sewerage or other wastes, and the areas of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, together comprise such an integral body of territory, and

WHEREAS, the Township Council of the Township of Marlboro has decided and hereby determines that it is necessary and advisable and that it is in the best interests of the inhabitants of the Township of Marlboro that by joint or parallel action by or on behalf of the Borough of Englishtown, the Township of Freehold, the Township of Manalapan, and the Township of Marlboro, each a municipal corporation of the State of New Jersey situated in the County of Monmouth and herein called "Municipalities", that there be created a sewerage authority pursuant to said Sewerage Authorities Law as a public body corporate and politic and an agency and instrumentality of said municipalities for the purposes of the relief of waters in or bordering upon the State from pollution arising from causes within the area of the Municipalities and the relief of waters in, bordering or entering said area from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, and to further

provide for a collective approach solving the sewerage and pollution problem of the area of said Municipalities; now, therefore,

BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

Section 1. Pursuant to the provisions of paragraph (c) Section 4 of the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented); there is hereby created a public body corporate and politic under the name and style of The Western Monmouth Regional Sewerage Authority.

Section 2. The Western Monmouth Regional Sewerage Authority is and shall be an agency and instrumentality of the said four Municipalities created by parallel ordinances duly adopted by their governing bodies, and is a sewerage authority as contemplated and provided for by said Sewerage Authorities Law and shall have and exercise all of the powers and perform all on the duties provided for by said Sewerage Authorities Law and any other statutes heretofore or hereafter enacted and applicable thereto.

Section 3. The Western Monmouth Regional Sewerage Authority shall consist of eight members thereof, and two of such members shall be appointed by the governing body of each of said municipalities in accordance with the provisions of said Sewerage Authorities Law.

Section 4. The Western Monmouth Regional Sewerage Authority shall be limited in its powers to install, maintain and operate interceptor mains and one or more sewerage treatment plants for the purposes of collecting and treating the sewerage from sewer lines and mains installed, maintained, operated and controlled by the participating municipalities or their local sewer or utility authorities. The areas to be serviced by said Western Monmouth Regional Sewerage Authority includes all of that area as shown on the attached map designated "Map of the Western Monmouth Regional Sewerage Authority", and may further include those areas outside said map area but which are presently serviced by the Pinebrook Sewer Company and other sewer utilities within the Municipalities comprising the Western Monmouth Regional Sewerage Authority area.

Section 5. The Municipalities agree that the following items be included in the original bond resolution of the Western Monmouth Regional Sewerage Authority created by this Ordinance, and the construction relating thereto commence within the first fiscal year of its operation:

(a) Installation and construction of sewer interceptor lines for the sewerage of the Borough of Englishtown, which have been referred to as Mc Gellaird's Brook and Weamaconk Brook Interceptors;

(b) Installation and construction of the Holiday North sewer interceptor line in accordance with the Water and Sewer Feasibility Study and Master Plan of the Township of Manalapan;

(c) Installation and construction of sewer interceptor line for the Covered Bridge Planned Retirement Community, the same to be in conformity with the Water and Sewer Feasibility and Master Plan of the Township of Manalapan and the extension of such sewer interceptor line to service such other areas as may be appropriate;

(d) Such plant expansion as may be necessary and incidental to the aforesaid, in accordance with the requirements of the State Department of Health.

(e) The Authority shall acquire the Pinebrook Sewer Company by purchase or condemnation.

(f) If Marlboro has a buy-back agreement with the Pinebrook Sewer Company, it will exercise its rights under the agreement and shall commence legal proceedings to acquire the system within its boundaries directly from the Pinebrook Sewer Company within 60 days from the date of formation of the regional authority.

(g) If Marlboro Township does not commence legal proceedings to acquire the system within 60 days, then the regional authority will negotiate the purchase of the entire Pinebrook Sewer System.

(h) Should Marlboro Township purchase the System within its boundaries from the Pinebrook Sewer Company, then the regional authority will sell the collection system within the Township of Manalapan to the Township of Manalapan at cost.

(i) Should the Township of Marlboro fail to acquire the internal collection system within its boundaries, then the regional authority will acquire the system and sell the same to the Township of Marlboro at cost.

Section 6. A copy of this ordinance duly certified by the Township Clerk shall forthwith be filed by said Township Clerk in the Office of the Secretary of State of the State of New Jersey pursuant to the provisions of the said Sewerage Authority Law.

Section 7. This ordinance shall take effect 20 days after publication thereof by title after its final passage, as provided by law, but shall be of no further force or effect after November 15, 1971 unless on or before said date, a parallel ordinance shall have been adopted by the governing body of each of the other municipalities.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on September 23, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School on October 14, 1971 at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By Order of the Council of the Township of Marlboro,
 MILDRED F. ACKERMAN, Clerk
 Sept. 30

Section 6. A copy of this ordinance duly certified by the Township Clerk shall

Section 7. This ordinance shall take effect 20 days after publication thereof by title after its final passage, as provided by law, but shall be of no further force or effect after November 15, 1971 unless on or before said date, a parallel ordinance shall have been adopted by the governing body of each of the other municipalities.

Section 7. This ordinance shall take effect 20 days after publication thereof by title after its final passage, as provided by law, but shall be of no further force or effect after November 15, 1971 unless on or before said date, a parallel ordinance shall have been adopted by the governing body of each of the other municipalities.

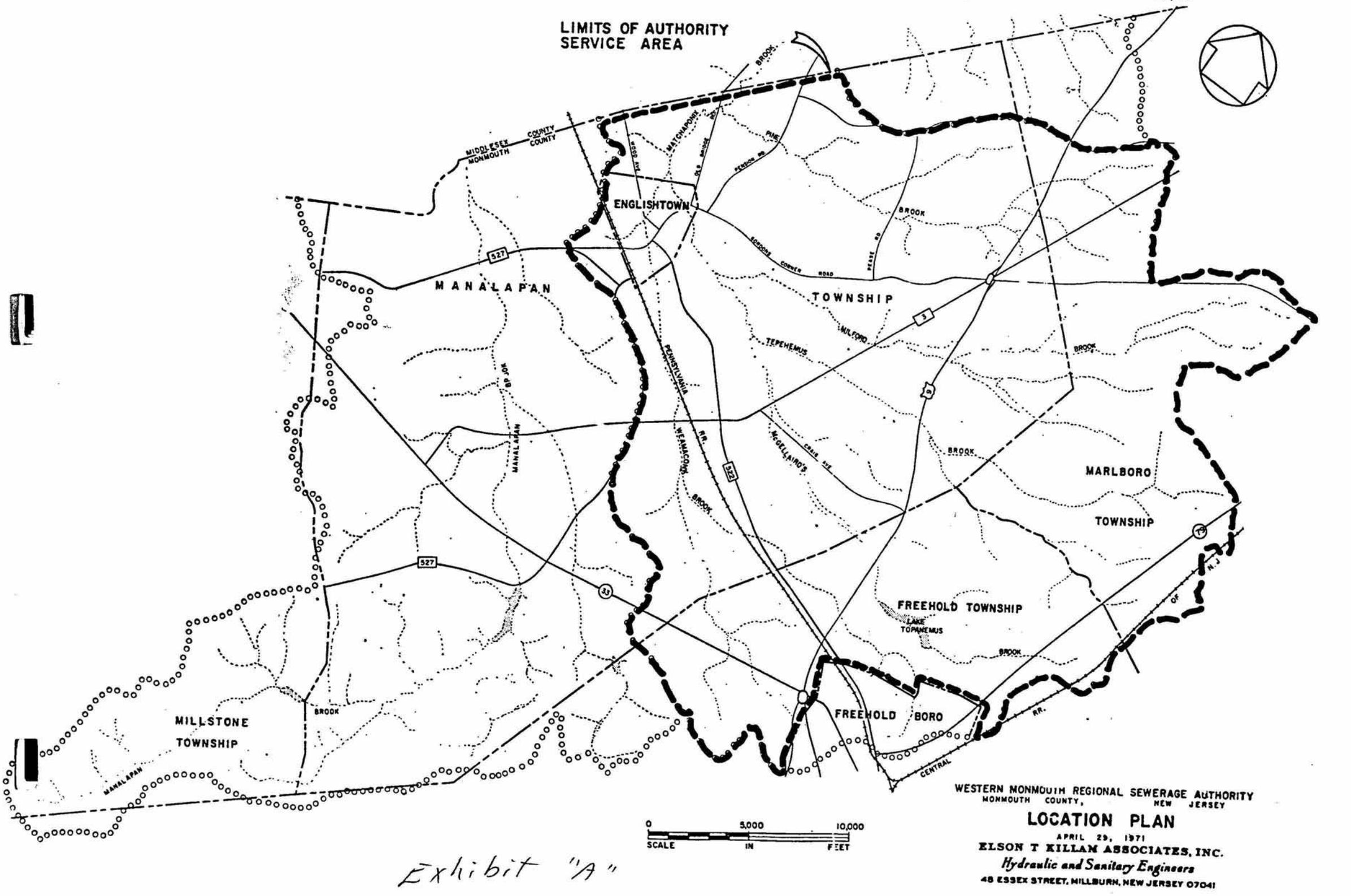


Exhibit "A"

WESTERN MONMOUTH REGIONAL SEWERAGE AUTHORITY
 MONMOUTH COUNTY, NEW JERSEY
LOCATION PLAN
 APRIL 29, 1971
 ELSON T KILLAM ASSOCIATES, INC.
 Hydraulic and Sanitary Engineers
 48 ESSEX STREET, MILLBURN, NEW JERSEY 07041

PUBLIC NOTICE

PUBLIC NOTICE

ORDINANCE #17-71
N ORDINANCE OF THE TOWNSHIP
OF MARLBORO AUTHORIZING THE
EXECUTION OF "1971 SERVICE CON-
TRACT BETWEEN THE MARLBORO
TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY AND THE TOWNSHIP
OF MARLBORO, IN THE COUNTY
OF MONMOUTH, NEW JERSEY"

SECTION ONE: There is hereby au-
thorized the execution by the Township
of Marlboro of "1971 SERVICE CON-
TRACT BETWEEN THE MARLBORO
TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY AND THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF
MONMOUTH, NEW JERSEY-Septem-
ber 20, 1971" for the purposes expressed
in the preamble of said contract in
the form and content set forth in
"Schedule A" annexed hereto and made
a part hereof.

SECTION TWO: This ordinance shall
take effect upon its publication after
final passage according to law.

SCHEDULE "A"
1971 SERVICE CONTRACT
BETWEEN
THE MARLBORO TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
AND
THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH,
NEW JERSEY

THIS AGREEMENT, made and dated
as of the 20th day of September, One
Thousand Nine Hundred and Seventy-
one, between The Marlboro Township
Municipal Utilities Authority (hereinafter
referred to as "Authority"), a
public body politic and corporate of the
State of New Jersey, and The Town-
ship of Marlboro, in the County of Mon-
mouth (hereinafter referred to as "Town-
ship"), a municipal corporation of the
State of New Jersey, situate in said
County of Monmouth.

WHEREAS pursuant to the Municipal
Utilities Authorities Law, constituting
Chapter 183 of the Pamphlet Laws of
1957, of the State of New Jersey, ap-
proved August 22, 1957, as amended and
supplemented, the Authority was created
by virtue of an ordinance duly and
finally adopted on May 24, 1962, by the
Township Committee of the Township
as the governing body thereof, and is
a public body politic and corporate of
the State of New Jersey organized and
existing under said Law, constituting
a political subdivision and established
as an instrumentality exercising public
and essential governmental functions to
provide for the public health and well-
fare, with all necessary or proper pow-
ers to acquire, construct, maintain, op-
erate or improve works for the accumu-
lation, supply or distribution of water
and works for the collection, treatment,
purification or disposal of sewerage or
other wastes and to provide for utility
services designed to provide or distrib-
ute an adequate supply of water for
public and private uses and to relieve
pollution of the waters in, bordering
or entering the District (hereinafter de-
fined) from pollution or threatened pol-
lution and for improvement of conditions
affecting the public health and with all
the powers, privileges and authority
conferred by said Law; and

WHEREAS the Authority has completed
plans and designs and is ready to
acquire and construct and place into
operation a water supply and distribu-
tion system for provision and distribu-
tion of water within the District, but
cannot economically finance the aforesaid
under said Law unless the Authority
is to be aided and assisted by the Town-
ship as provided in this Agreement; and
WHEREAS the Township desires to
aid and assist the Authority in the
establishment of said water system and
to make it economically feasible for the
Authority to proceed with the financing,
acquisition and construction thereof so
as to make available, at an early date,
a water system for the use of residents
and inhabitants of the Township and
for the supply and distribution of water
within said District and also the
collection, treatment and disposal of
sanitary sewerage and other wastes aris-
ing within the District by means of a
sanitary sewerage system; and

WHEREAS the Township and the
Authority have each determined that
it will be economical and otherwise
advantageous to both of them and to
the residents and property owners of
the Township for the Township and the
Authority to enter into a single
contract providing for and relating to
the sale and supplying of water in the
Township by means of said water sys-
tem and the treatment and disposal of
sewerage and other wastes originating in
the Township by means of said sewerage
system and the cost and expense of
such sale and supplying of water and
of such treatment and disposal which
contract, among other things, shall ob-
ligate the Authority to proceed with
the acquisition and construction and
placing in operation of said water sys-
tem and said sewerage system and
obligate the Township to pay to the
Authority such fixed amounts and sum
or sums of money as may be neces-
sary to provide for deficits resulting
from failure or disability of the Author-
ity to derive adequate revenues from
the operation of said water system and
said sewerage system, and the Town-
ship and the Authority have each duly
authorized its proper officials to enter
into and execute for it this Agreement;

NOW, THEREFORE, in consideration
of the premises, of the mutual covenants
and agreements herein set forth, and the

undertakings of each party to the other,
the Authority and the Township, each
binding itself, its successors and assigns,
do mutually covenant, promise and agree
as follows:

ARTICLE I.
Definitions.
SECTION 101. Definitions. As used
and referred to in this Agreement, un-
less a different meaning clearly appears
from the context:

- (1) "Accountant" means the Division
of Local Finance in the Department
of Community Affairs of the State of
New Jersey or a registered municipal
accountant or a certified public ac-
countant of the State of New Jersey;
(2) "Act" means the Municipal Utili-
ties Authorities Law, constituting Chap-
ter 183 of the Pamphlet Laws of 1957,
of the State of New Jersey, approved
August 22, 1957, and the acts amendat-
ory thereof or supplemental thereto;
(3) "Agreement" means this 1971 Ser-
vice Contract;
(4) "Annual Charges" shall have the
meaning given to such term in Article
III hereof;
(5) "Authority" means The Marlboro
Township Municipal Utilities Authority
referred to hereinabove;
(6) "Bond" means any bond, note or
other evidence of indebtedness here-
tofore or hereafter issued by the Au-
thority;
(7) "Bond Resolution" means any
agreement of the Authority with or for
the benefit of holders of Bonds to be
issued pursuant thereto;
(8) "District" means the area within
the territorial boundaries of the Town-
ship;
(9) "Fiscal Year" means the period
of twelve calendar months ending with
November 30 of any year;
(10) "Governing Body" shall have
the meaning given to such term by the
Act;

- (11) "Industrial Wastes" means liquid
or other wastes resulting from any
processes of industry, manufacture,
trade or business or from the develop-
ment of any natural resource;
(12) "Project" means the following
water supply and distribution facilities
constructed or acquired or to be con-
structed or acquired in the Morgan-
ville-Wickatunk area of the Township
as shown on a set of drawings en-
titled "Marlboro Township Water Sup-
ply System, Morganville-Wickatunk
Areas, Distribution System, Storage
Tank and Wells, Contracts 2, 3 and
4, 1971" prepared by Charles J. Kup-
per, Inc., Consulting Engineers, Pis-
cataway, New Jersey, with all neces-
sary and incidental connections, equip-
ment, apparatus, structures and appur-
tenances, and including all real prop-
erty and rights-of-way, easements and
other interests therein and all personal
property necessary or desirable
for the efficient construction and oper-
ation of such facilities:

- (a) Distribution mains sized to meet
the ultimate requirements of the
service area with provision for ex-
pansion of the system to serve the
remaining portions of the Township,
initially serving approximately 2,500
residents at the following streets,
places, and locations: (1) in the
Morganville Area, Lloyd Road, Orch-
ard Parkway, John Street, West
Court, Ryers Lane, Maple Avenue,
Baldwin Street, Union Avenue, Marl-
boro Street, Wilson Street, Roose-
vell Avenue, Nelson Street, Harring-
ton Terrace, Brown Road, Green-
wood Road, Orchard Street, Thomas
Lane, Wicker Place, Martha Place,
and portions of Route 79, Tennent
Road, Nolan Road, Texas Road and
Wolletown Road, and (2) in the
Wickatunk Area, Harbor Road, Hill-
side Terrace, Blossom Avenue, Ridge
Road, Center Street, High Street
and portions of Route 79, Tennent
Road, Crine Road and Pleasant
Valley Road;
(b) Wells and water treatment facili-
ties to serve the project area, con-
sisting of a water treatment plant
to be located on a ten acre site
off Harbor Road in the vicinity of
Blossom Heights in the Wickatunk
area, including deep wells, pumps,
chemical feed equipment and pres-
sure filters, said equipment and fil-
ters to be housed in an all purpose
building of masonry construction; and
(c) Water storage facilities consist-
ing of a steel-beam water tank to
be located off Beacon Hill Road in
the Morganville Area and of suf-
ficient capacity to meet the peak
hourly fluctuations in demand in-
cluding residential, commercial and
industrial fire demand requirements.

- (13) "Sections or Articles" mentioned
by numbers the respective Sections
and Articles of the 1971 Service Con-
tract;

- (14) "Service Charges" means rents,
rates, fees or other charges, including
all water service charges and all sewer
service charges, for direct or indirect
connections with, or the use or ser-
vices of the System which the Authority,
under the provisions of Sections 22,
23 or 24 of the Act, is or may be
authorized to charge and collect with
regard to persons or real property;

- (15) The term "sewerage" means the
waterborne animal or vegetable wastes
(other than industrial wastes) from
water closets, buildings, residences,
industrial establishments or other
places, together with such ground wa-
ter infiltration, surface water, admix-
tures or other wastes as may be
present;

- (16) "Sewerage System" means the
plants, structures and other real and
personal property acquired, constructed
or operated or to be acquired, con-

- structed or operated by the Authority
for the purposes of the Authority, in-
cluding sewers, conduits, pipelines,
mains, pumping and ventilating sta-
tions, sewage treatment or disposal
systems, plants and works, connection,
outfalls, compensating reservoirs and
other plants, structures, boats, con-
veyances, and rights therein, and ap-
purtenances necessary or useful and
convenient for the collection, treat-
ment, purification or disposal in a sanitary
manner of any sewage, liquid or solid
wastes, night soil or industrial wastes;
(17) "System" means the Sewerage
System and the Water System, includ-
ing the Project;
(18) "Township Council" means the
council of the Township of Marlboro.
(19) "Water System" means the plants,
structures and other real and personal
property acquired, constructed or op-
erated or to be acquired, constructed
or operated by the Authority for the
purposes of the Authority, including
reservoirs, basins, dams, canals, aqued-
ucts, standpipes, conduits, pipelines,
mains, pumpings, stations water dis-
tribution systems, compensating reser-
voirs, waterworks or sources of water
supply, wells, purification or filtration
plants or other plants and works,
connection, rights of flowage or diver-
sion, and other plants, structures,
boats, conveyances, and other real
and personal property, and rights
therein, and appurtenances necessary
or useful and convenient for the ac-
cumulation, supply or distribution of
water; and
(19) Words importing the singular
number include the plural number,
and vice versa, and words importing
persons include firms, associations and
corporations.

SECTION 102. Short Title. This agree-
ment may hereafter be cited by the
Authority or by the Township and is
herein sometimes referred to as the
"1971 Service Contract".

SECTION 103. Severability of Invalid
Provision. If any one or more of the
covenants or agreements provided in
the 1971 Service Contract, on the part
of the Authority or the Township to be
performed should be contrary to law,
then such covenant or covenants, agree-
ment or agreements, shall be deemed
separable from the remaining covenants
and agreements, and shall in no way
affect the validity of the other provi-
sions of the 1971 Service Contract.

ARTICLE II.
Construction of the System.

SECTION 201. Construction and Oper-
ation of Project. The Authority will with
all practicable speed prepare and com-
plete (to the extent not already pre-
pared and completed) plans for the
construction, acquisition and financing
of the Project and upon completion of
such plans and the making of ar-
rangements therefor satisfactory to the
Authority, will with all practicable speed
construct, acquire and complete the
Project and place the same in operation.
The Authority will thereafter operate
and maintain and, to the extent permitted
under the terms of Section 202, enlarge
the System so as to supply and dis-
tribute water and to treat and dispose
of sewage by means of the System sub-
ject to and in conformity with the
provisions of the Agreement and with
respect to any property connected thereto
in accordance with the provision of
this Article.

SECTION 202. Alteration, Renewal or
Extension of System. The Authority
may at any time enlarge, alter or im-
prove the System or renew or replace
any part thereof, but the Authority shall
not construct or acquire, and nothing
in this Agreement shall be deemed to
require the Authority to construct or
acquire, any extension of any water
main or sewer main (which is not a
part of the Project) as an extension of
the System unless (a) written consent
to construction or acquisition of such
extension shall have previously been
given by the Township Council, or (b)
a certificate of the consulting engineer
retained by the Authority stating the
opinion that the average estimated Ser-
vice Charges based upon the current rate
schedule to be collected with respect
to such extension exceeds the average
estimated operating expenses and debt
service with respect to such extension for
a period of not less than five years after
the time of placing in operation of such
extension; and the feasibility of such
extension is substantiated by receipt of
bids by the Authority for the proposed
extension or addition.

SECTION 203. Project Plans to be Ap-
proved. Before undertaking construction
of any substantial part of the Project,
the plans and specifications for such
construction will be submitted by the
Authority to the Department of Environ-
mental Protection of the State of New
Jersey for approval as to the sufficiency
of design thereof and compliance with
standards as then promulgated by said
Department and in effect, and a permit
(if required) will be obtained by the
Authority from said Department to pro-
ceed with such construction.

SECTION 204. Location of System and
Use of Public Property. The Authority
shall have the right to construct, main-
tain, operate and use such reservoirs,
basins, dams, canals, aqueducts, stand-
pipes, conduits, pipelines, mains, pump-
ing and ventilating stations, treatment,
purification and filtration plants or
works, trunk, intercepting and outlet
sewers, water distribution systems, water-
works, sources of water supply and
wells at such places within or without
the District, and such other plants, struc-
tures, boats and conveyances as in the
judgment of the Authority are necessary

to provide a water supply and distribu-
tion service by means of the System
and to provide sewage collection and
disposal service by means of the Sys-
tem, and to that end, may enter upon
and use and connect with any existing
public drains, sewers, conduits, pipe-
lines, pumping and ventilating stations
and sewage treatment plants and works
or any other public property of a similar
nature within the Township and close
off and seal outlets and outfalls there-
from, and may construct, maintain and
operate the System, streets, alleys, high-
ways, and other public places within
the Township.

SECTION 205. Conveyance of Facilities.
From time to time upon notice from
the Authority, the Township will grant
and convey to the Authority, upon such
terms and conditions as have heretofore
been or shall hereafter be agreed to,
any water main or other water supply
facility or any sewer or other sanitary
sewerage facility which may be owned
by the Township and be specified in any
such notice or notices.

SECTION 206. Connections to be Per-
mitted. The Authority will permit every
property in the Township fronting on
the System or having reasonable access
thereto to be connected with the Sys-
tem, but only upon payment to the
Authority of such connection charge
or charges as the Authority may pre-
scribe; and subject to and in conformity
with the rules and regulations of the
Authority then in effect.

SECTION 207. Connections to be Re-
quired. The Township will require all
properties within its territory fronting
on the System or having reasonable ac-
cess thereto to be connected with the
System in accordance with law and
subject to rules and regulations of the
Authority then in effect.

ARTICLE III.
Charges by the Authority and Payment
by the Township.

SECTION 301. Service Charges. With
respect to all water, services, facilities
or products sold, supplied or furnished
by or from the Water System and for
all direct or indirect connections with,
and all use, products and services of
the Water System, and with respect
to all sewage or other wastes delivered
into the Sewerage System and for all
direct or indirect connections with, and
all use and services of, the Sewerage
System, the Authority will charge Ser-
vice Charges in accordance with the Act
and at least to the extent required by
the 1971 Service Contract and at the
rates established in accordance herewith.
Said Service Charges shall be
computed at rates sufficient to assure
receipt by the Authority in each
Fiscal Year (beginning with the
Fiscal Year ending in 1972) of the
sum of money equal to the sum of all
of the amounts necessary in such Fiscal
Year (1) to pay or provide for the
expenses of operation and maintenance
of the System and the principal of and
interest on any and all Bonds as the
same become due, and (2) to maintain
such reserves or sinking funds as may
be required by the terms of any con-
tract of the Authority or any Bond
Resolution, or as may be deemed neces-
sary or desirable by the Authority, and
(3) to comply in all respects with the
terms and provisions of any Bond Res-
olution and of the Act, but nothing in
this Section or in the 1971 Service
Contract contained shall prevent the
Authority from charging Service Charges
which shall be less than sufficient to
comply with the foregoing requirement,
provided that the Township shall have
given its written consent in the manner
herein provided to such lesser Service
Charges.

SECTION 302. Annual Charges. For
the sale and supplying of water in the
Township and for the treatment and
disposal of sewage originating in the
Township and to assure continuance
of such sale and supplying of water and
of such treatment and disposal of sewer-
age at reasonable rates of Service
Charges, the Authority will charge the
Township and the Township shall make
payment to the Authority of Annual
Charges computed and to be paid as
set forth in this Agreement. The Annual
Charges made and to be charged by
the Authority to and payable by the
Township for or with respect to any
Fiscal Year shall be the sum of money
equal to the excess (if any) of

- (A) The sum of all of the amounts
necessary or expended in such Fiscal
Year (1) to pay or provide for the
expenses of operation and maintenance
of the System, including (without
limitation of the foregoing) insurance,
renewals, replacements, extensions, en-
largements, alterations and better-
ments, (2) to pay or provide for any
interest becoming due prior to the
end of such Fiscal Year on Bonds,
(3) to pay or provide for the prin-
cipal or redemption premium of Bonds
becoming due prior to the end of
such Fiscal Year (4) to provide for
any deficits of the Authority resulting
from failure to receive sums payable
to the Authority by the Township, and
other municipality, any county or any
person, or from any; other cause, and
(5) to maintain such reserves or
sinking funds to provide for expenses
of operation and maintenance of the
System or for any interest on or
principal or redemption premium of
Bonds or for any such deficits as
may be required by the terms of any
contract of the Authority or Bond
Resolution or be deemed necessary
or desirable by the Authority, over
(B) the sum of such parts (if any)
of the several amounts referred to in
subparagraph (A) of this Section as,

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prior to the end of such Fiscal Year, are properly paid and discharged or fully provided for by application, in accordance with the Act or any Bond Resolution. (1) Service Charges collected by the Authority, (2) the proceeds of Bonds received by or for account of the Authority, (3) the proceeds of insurance received by or for account of the Authority, (4) interest received on investments of funds held for the benefit or security of the Authority or the holders of Bonds, (5) contributions received by or for account of the Authority and not under any circumstances repayable by the Authority until after the payment in full of all other obligations of the Authority including its Bonds, original or refunding or both, or (6) surplus reserves on hand and applicable and available therefor at the beginning of such Fiscal Year.

SECTION 303. Rates of Service Charges. (1) The Service Charges to be prescribed, fixed and charged by the Authority pursuant to this Agreement shall be computed in accordance with and at the rates shown on a schedule of such charges which, after written consent to adoption of such schedule, or approval of such schedule after its adoption, shall have been given by or on behalf of the Township, shall be adopted and established by the Authority. After such adoption, the Authority may from time to time modify said schedule but only by amendments adopted in conformity with the restriction of, and permitted by, this Section.

(2) The Authority shall not adopt or make any amendment of the schedule referred to in paragraph (1) of this Section (or of any revision thereof) at any time or in any particular unless:

(a) Such amendment imposes or affects only a payment (generally called a "connection charge") to be made to the Authority for or with respect to each making or discontinuing of a service connection to the System; or

(b) Written consent to such amendment shall have previously been given by or on behalf of the Township; or

(c) Such amendment is required by the terms of any final judgment or decree of a court of competent jurisdiction; or

(d) Such amendment is required by any of the terms or provisions of any Bond Resolution of the Authority, or any of the covenants made therein for the benefit of holders of Bonds; or

(e) No Annual Charges shall have become payable by the Township to the Authority under the terms of the Agreement for or on account of any of the last three Fiscal Years ended next prior to the adoption or making of such amendment; or

(f) Such amendment is required by the provisions of this Agreement; or

(g) Such amendment is an increase of one or more rates or classifications of Service Charges and is recommended by a consulting engineer of the Authority.

SECTION 304. Payment of Annual Charges by Township. (1) For or in connection with the sale and supplying of water in the Township and the treatment and disposal of sewage or other wastes originating in the Township by means of the System during each Fiscal Year, the Township will pay to the Authority the Annual Charges made and charged by the Authority to and payable by the Township for such Fiscal Year computed by the Authority as provided in this Article. On or before December 30 of each Fiscal Year the Authority will make and deliver to the Township Council its certificate stating the amount of the Annual Charges for said Fiscal Year computed in accordance with this 1971 Service Contract, accompanied by a certificate signed by an Accountant approving the statements in such certificate of the Authority. The Annual Charges for each Fiscal Year, to the extent that any part thereof shall not have been theretofore paid, shall at all events be due and payable not later than January 15 next succeeding after the close of such Fiscal Year, but current provision for and payment of part of such Annual Charges on an estimated basis shall be made by the Township in accordance with the following paragraphs of this Section.

(2) On or before the twenty-fifth day of the month next following the month in the Fiscal Year in which the Authority may first issue any Bonds and on or before December 30 of each Fiscal Year thereafter (and in any event on or before December 30 of each Fiscal Year after the System or any part thereof shall have been placed in operation), the Authority will make an estimate of the amount of the Annual Charges which will become payable by the Township for such Fiscal Year and thereafter on or before January 15 of such Fiscal Year, will make and deliver to the Township its certificate stating such estimated amount that is the Annual Charges for such Fiscal Year. In the event that any part of any Annual Charges theretofore becoming payable by the Township shall not have been paid, the Authority will include in such certificate an additional provision separately stating the amount of such unpaid part (herein called the "Prior Annual Charges Deficiency").

(3) The Township will in each year make all budgetary and other provisions or appropriations necessary to provide for and authorize the payment by the Township to the Authority during each Fiscal Year of the estimated amount of the Annual Charges and the amount of the Prior Annual Charges Deficiency (if any) stated in the certificate delivered in such Fiscal Year to it

by the Authority as aforesaid.

(4) On or before January 16 of each Fiscal Year, the Township will pay to the Authority the amount of the Prior Annual Charges Deficiency (if any) stated in the certificate delivered in such Fiscal Year to it by the Authority as aforesaid. The Township will pay to the Authority that part of the estimated amount of the Annual Charges stated in the certificate delivered in such Fiscal Year to it by the Authority as aforesaid in four equal installments on the first days of February, May, August and November of such Fiscal Year, provided that in the Fiscal Year in which the Authority may first issue any Bonds, said estimated amount with respect to such Fiscal Year shall be such part thereof as results from application thereto of a fraction the denominator of which shall be twelve and the numerator of which shall be the number of months remaining in such Fiscal Year after the date of issuance of Bonds, and such amount shall be divided into as many installments as there are such months remaining in such Fiscal Year and one of such installments shall be due and payable to the Authority on the first day of each such month.

(5) In the event that the amount of the Annual Charges made and charged by the Authority to and payable by the Township for any Fiscal Year computed as provided in this Article shall be less than the estimated amount of such Annual Charges (as aforesaid) stated in the certificate delivered in such Fiscal Year to it by the Authority and paid by it to the Authority, the Authority will credit the difference between said amounts to the Township against the amount of the next payment becoming due to the Authority from the Township under paragraph (1) or (4) of this Section.

SECTION 305. Limitation of Service Charges. The sums payable by the Township to the Authority under the provisions of this 1971 Service Contract are and shall be in lieu of part of the Service Charges which the Authority would otherwise, under the provisions of Sections 21 or 22 of the Act, charge and collect with regard to real property within the Township directly or indirectly connected with the System, and so long as the Township shall not be in default in the making of payments becoming due from it under the provisions of this Agreement, the Authority will suspend all Service Charges with regard to such real property except Service Charges computed in accordance with the provisions of Section 303 and connection charges, but nothing in this Section of this Agreement contained shall prevent the Authority from charging and collecting, as if this Agreement had not been made, Service Charges with regard to persons or real property within the Township sufficient to meet any default or deficiency in any payments agreed herein to be made by the Township. For the purpose of this Section, the Township shall be deemed to be in default if the Township, for a period of thirty days after its due date, shall fail to make in full to the Authority any payment required to be made by it under the provisions of this Agreement.

SECTION 306. Collection of Service Charges. The Authority will at all times take all reasonable measures permitted by the Act or otherwise by law to collect and enforce prompt payment to or for it of all Service Charges prescribed, fixed and charged by it in accordance with this Agreement.

SECTION 307. Repayment of Annual Charges. The Authority will repay to the Township, unless waived by the Township in writing, any annual charges collected from the Township. Said charges may be repaid by the Authority in installments over a period not to exceed three years. This repayment of annual charges is subject to the obligation of the Authority to pay, or provide for payment of its obligations to bond holders under the terms of contracts or bond resolutions heretofore or hereinafter entered into with said bond holders. Repayments of annual charges may only be made from the Authority's surplus.

ARTICLE IV. Miscellaneous.

SECTION 401. Rules and Regulations. The Authority may at any time, promulgate, issue, publish and from time to time amend, and enforce, rules and regulations regulating the making of connections to the System or the use or services of its utility system or prohibiting or regulating the discharge into the System or any sewer, sanitation or drainage systems connected therewith of storm water drainage from ground surface, roof leaders or catch basins or from any other source, industrial wastes, oils, acids or any other substances which, alone or in combination with other substances discharged into the System, are or may be injurious or deleterious to the System or to its efficient operation, and the Township will fully conform with such rules and regulations and will cause the same to be fully observed and conformed with throughout its territory. Such rules and regulations may include lists of harmful wastes, discharge of which into the System or any sewer, sanitation or drainage systems connected therewith shall be prohibited. In the enforcement of such rules and regulations (or in enforcement of Service Charges), the Authority may refuse to permit or continue the connection to the System of properties in the Township, and such refusal shall not be deemed to result in any violation by the Authority of the provisions of this Agreement as to construction or operation of the System

or the charging or collection of Service Charges or any other matter.

SECTION 402. Insurance. The Authority will at all times maintain with responsible insurers all such insurance as is customarily maintained with respect to utility systems of like character against loss or damage to the System and against public or other liability to the extent not less than that reasonably necessary to protect the interest of the Authority and the Township, and will at all times maintain with responsible insurers all insurance reasonably required and obtainable within limits and at costs deemed reasonable by the Authority and the Township against all liabilities, judgments, costs, damages, expenses and attorney's fees for loss, damage or injury to person or property resulting directly or indirectly from the operation or a failure of operation of the System caused by the negligence or willful act of the Authority, its employees or agents.

SECTION 403. Accounts. The Authority will keep proper books of record and accounts in which complete and correct entries shall be made of its transactions relating to the System or any part thereof, and which, together with all other books and papers of the Authority, shall at all reasonable times be subject to inspection. The Authority shall cause its books and accounts to be audited annually by an Accountant, and annually within three months after the close of each Fiscal Year, copies of the reports of such audits so made shall be furnished to the Authority and to the Township, including statements in reasonable detail, accompanied by a certificate signed by the Accountant of financial condition, of revenues and operating expenses, and of all funds held by or for the Authority.

SECTION 404. Competitive Facilities. The Township will not, after the date of this Agreement, construct any water supply or distribution system or other facilities for distribution of water within the District or construct any sewage disposal plan or sewers or other facilities for the collection, treatment or disposal of sewage originating within the District unless the Authority shall have given its written consent to such construction.

SECTION 405. Enforcement and Obligation of Annual Charges. If any payment or part thereof due to the Authority from the Township shall remain unpaid for thirty days following its due date, the Township shall be charged with and will pay to the Authority interest on the amount unpaid from its due date until paid, at the rate of six per centum (6%) per annum. Every obligation assumed by or imposed upon the Township by the 1971 Service Contract shall be enforceable by the Authority by appropriate action or proceeding, and the Authority may have and pursue any and all remedies provided by law for the enforcement of such obligation including the remedies and processes provided by the Act with respect to Service Charges.

SECTION 406. Effect of Breach. Failure on the part of the Authority in any instance or under any circumstance to observe or fully perform any obligation assumed by or imposed upon it by this Agreement or by law shall not make the Authority liable in damages to the Township or relieve the Township from making any payment to the Authority or fully performing any other obligation required of it under this Agreement, but the Township may have and pursue any and all other remedies provided by law for compelling performance by the Authority of said obligation assumed by or imposed upon the Authority.

SECTION 407. Consents or Waivers by Authority. Whenever under the terms of this Agreement the Authority is authorized to give its written consent, the Authority, in its discretion, may give or refuse such written consent and, if given, may restrict, limit or condition such consent in such manner as it shall deem advisable. Supply by the Authority of water from the System or acceptance by the Authority into the System of sewage or other wastes in any instance in a volume or at a rate or with characteristics exceeding or violating any limit or restriction provided for by or pursuant to this Agreement in one or more instances or under one or more circumstances shall not constitute a waiver of such limit or restriction or of any of the provisions of this Agreement and shall not in any way obligate the Authority thereafter to supply water from the System or to accept or make provision for sewage or wastes delivered into the System in a volume or at a rate or with characteristics exceeding or violating any such limit or restriction in any other instance or under any other circumstance.

SECTION 408. Special Consents by Township. Whenever under the terms of this Agreement the Township is authorized to give its written consent, such consent may be given and shall be conclusively evidenced by a copy, certified by its Township Clerk and under its seal, of a resolution purporting to have been adopted by the Township Council and purporting to give such consent.

SECTION 409. Special Consents by Authority. Whenever under the terms of this Agreement the Township is authorized to give its written consent, such consent may be given and shall be conclusively evidenced by a copy, certified by its Secretary and under its seal, of a resolution purporting to have been adopted by the Authority or

its members and purporting to give such consent.

SECTION 410. Pledge or Assignments. This 1971 Service Contract may not be assigned by either party without the written consent of the other, provided, however, that, since this Agreement is made with particular reference to the holders or respective holders of the Bonds or other obligations of the Authority for the purpose of assuring and protecting the interests of such holders, the Authority may at any time assign or pledge for the benefit and security of the holders of Bonds all of its rights under the provisions of this Agreement to receive payments from the Township, and thereafter this Agreement shall not be terminated, modified or changed by the Authority or Township except in the manner (if any) and subject to the conditions (if any) permitted by the terms and provisions of such assignment or pledge.

SECTION 411. Services Outside of Township. The Authority will not permit any property located outside of the Township to be connected with the System for the purpose of securing water from the System or of delivering sewage into the System, or supply water to, or accept any sewage or industrial wastes from, any person or property outside of the Township unless written consent thereto shall have previously been given by or on behalf of the Township.

SECTION 412. Report as to Bonds. Forthwith upon the issuance of any Bonds, the Authority shall prepare and file in the office of the Township Clerk of the Township a schedule setting forth the principal amount, designation, denomination, date of issue, place of payment, maturities, rate of interest and redemption prices (if any) of such Bonds, together with a copy of the resolution of the Authority authorizing such Bonds, each certified by its Secretary and under its seal.

SECTION 413. Termination of this Agreement. At any time after five years from the date of this 1971 Service Contract and after the payment in full of all obligations of the Authority including its Bonds, the Township the Authority upon two years' notice to the other party hereto, but subject to the provisions of Section 410 hereon, may terminate this Agreement.

SECTION 414. Services Charges to Township. Nothing contained in this 1971 Service Contract shall prevent the Authority from charging Service Charges, or shall require the Authority to charge Service Charges, for or with respect to utility service supplied by the Authority to any municipal or public buildings or facilities owned or operated by the Township in its governmental capacity.

SECTION 415. County or Regional Sewerage System. Notwithstanding the terms or limitations of any other provisions of this 1971 Service Contract, the Authority at any time or from time to time may (a) permit, consent to or approve the construction, acquisition or operation of facilities within or without the Township which are part of a county or regional sewerage system for the purpose, among others, of the transmission, treatment and disposal of sewage collected by the Authority, (b) provide for the delivery of sewage and industrial wastes collected by the Authority to such county or regional system, and enter into and perform contracts with respect to the treatment and disposal of such sewage and industrial wastes by means of such system and the cost and expense of such treatment and disposal, (c) make payments pursuant to said contracts for such treatment and disposal as obligations incurred in maintaining, repairing and operating the System of the Authority in the same manner and from the same sources as other operating expenses are paid under any Bond Resolution, (d) modify the System of the Authority in any manner which the Authority by resolution finds to be necessary in order to obtain the benefits of said contracts and (e) sell, lease or otherwise dispose of any of its property which the Authority by resolution finds, reason of the existence of said contract to be no longer needed in connection with the maintenance and operation of the system and said Authority.

SECTION 416. Execution of Counterparts. This Agreement may be executed in any number of counterparts each of which shall be executed by all purposes as one original and shall constitute and be but one and the same.

IN WITNESS WHEREOF, the Authority and the Township have caused their respective seals to be hereunto affixed and attested and these presents to be signed by their respective officers thereto duly authorized and this Agreement to be dated as of the day and year first above written.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on September 23, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on October 14, 1971 at Marlboro Elementary School at 8 p.m. or as so thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same. By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk (419.84) 29678

COUNCIL OF THE TOWNSHIP OF MARLBORO

CONTINUED MEETING - OCTOBER 18, 1971
(Continued from October 14th)

The continued meeting of the Council of the Township of Marlboro was called to order at 8:09 PM at Central School by Council President McLaughlin on Monday evening, October 18th, 1971.

Following the salute to our flag, the roll was called.

ROLL CALL: Present: Councilmen Herman, Grossman, Williams, Stokes and McLaughlin.

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue and Clerk Mildred Ackerman.

Council President McLaughlin welcomed the public to the continued meeting and introduced Mr. William Mehr of the firm of Cerrato & O'Connor, MUA Attorneys; MUA Engineer Emil Hodor and MUA members J. Edward Tilton, Edward Yablonski, John May and Dewey Holmes.

Before opening the meeting to the public, MUA Chairman J. Edward Tilton asked for a conference with the Mayor and Council regarding the service contract, and the Chair declared a recess.

The meeting was called back to order at 8:50 PM and the continued public hearing on Ordinance #17-71 was opened to the public.

MUA Chairman Tilton reported regarding the new computer run on the entire project.

Mr. Charles Smith, Morganville, asked if the MUA would make a profit on the water system.

Mr. Joe Robbins, 51 River Drive, Marlboro, asked over what period of time the bonds would be paid, what the interest rate would be, if the surplus would be reinvested and would the developer be responsible for providing a hookup.

Mr. Ronald Shea, Emerson Drive, asked for an explanation of the differences in the amounts of interest set forth in computer runs and how the residents could be assured of receiving adequate service and water from the MUA system.

Mr. Bob Nestler, 27 Fairview Road, questioned the breach referred to in Section 406 and asked that it be removed from the ordinance.

Mr. Kenduck, Turner Terrace, Morganville, also objected to Section 406 and asked if the bonds for the system could be sold without the service agreement.

Mr. Leonard Gross, 2 Lindsay Drive, Morganville, asked what the service contract meant to a resident of the township, why we had to enter into the contract and what the difference in interest rates would be without the service contract. He said he would rather spend money for a higher interest rate than approve the service contract.

Mr. Herbert Schlesinger, 3 Robinson Court, asked if all the other Authorities have similar service contracts and if there were other alternatives.

Mr. Hal Goodman, 63 River Drive, said there was no question in his mind we could not sell the bonds without a service contract but asked if the MUA had checked with HUD to see if they would grant the loan without the service contract.

Mr. Ken Bryant, 54 River Drive, asked what the rates would be for water in excess of 100,000 gallons and how the rate would compare with Village Water Co. rates.

Mr. Schlesinger expressed concern that approximately one-half of the population would have rate increases of about 33% under the MUA rate, and asked if the Authority

would buy the private water companies if it meant such a rate increase for the people and was not economically feasible.

Mr. Zolkin asked how long it would take the Authority to collect sufficient funds and revenue so the township money will not be involved.

Mr. Charles Smith, Texas Road, Morganville, asked if Mr. Minogue had something to say about the ordinance.

Mr. Steve Chodos, 18 Lake Louise Road, Morganville, asked if there was anything in the ordinance that would require the Utilities Authority to raise the rates to decrease the deficit.

Mrs. Sheila Gross said she wished the Township had the authority to oversee this project and made suggestions as to how the contract could be changed to give Council more control.

Mr. Donald Kayser, Nolan Road, Morganville, asked if any survey had recently been taken to determine if the people wanted water and said he was in favor of the system and that the water was urgently needed.

Mrs. Alberta Cornelius, Texas Road, Morganville, asked for a clarification as to the timetable for water to reach Texas Road.

Mayor Salkind said his concern was for the number of people who would not hook into the system voluntarily and asked if he could be forced to compel them to hook up. He said the township would have maximum protection and lower rates if the system was within the township government and asked for a breakdown of various line items in the MUA fact sheet. The Mayor criticized the MUA for misstatements of fact.

The Chair declared the public hearing closed at 10:40 PM and a recess was called.

The meeting was called back to order at 10:55 PM at which time Councilman Grossman offered the following resolution:

RESOLUTION #212-71

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

Ordinance #17-71

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE EXECUTION OF "1971 SERVICE CONTRACT BETWEEN THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY"

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law.

BE IT FURTHER RESOLVED that an emergency is hereby declared so that said ordinance shall take effect immediately upon its passage and publication of notice of final adoption."

Seconded by Councilman Herman.

Discussion: Councilman Grossman said this was the most agonizing decision he had to make in his two years on Council. He reviewed the events leading up to this moment and said that it comes down to the question do we go ahead with the system based upon the HUD grant and the bids received or do we scrap it, possibly lose one or two years and take a chance with the figures at that time. Based upon that consideration he said he must vote for the ordinance.

Councilman Herman said he must echo some of Councilman Grossman's comments and said in view of all the cost considerations and human needs and the future benefits to the township,

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ORDINANCE #17-71
AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE EXECUTION OF "1971 SERVICE CONTRACT BETWEEN THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY"
BE IT ORDAINED by the Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

SECTION ONE: There is hereby authorized the execution by the Township of Marlboro of "1971 SERVICE CONTRACT BETWEEN THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY—September 20, 1971" for the purposes expressed in the preamble of said contract in the form and content set forth in "Schedule A" annexed hereto and made a part hereof.

SECTION TWO: This ordinance shall take effect upon its publication after final passage according to law.

SCHEDULE "A"
1971 SERVICE CONTRACT
BETWEEN
THE MARLBORO TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
AND
THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH,
NEW JERSEY

THIS AGREEMENT, made and dated as of the 20th day of September, One Thousand Nine Hundred and Seventy-one, between The Marlboro Township Municipal Utilities Authority (hereinafter referred to as "Authority"), a public body politic and corporate of the State of New Jersey, and The Township of Marlboro, in the County of Monmouth (hereinafter referred to as "Township"), a municipal corporation of the State of New Jersey, situate in said County of Monmouth.

WITNESSETH
 WHEREAS pursuant to the Municipal Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957, of the State of New Jersey, approved August 22, 1957, as amended and supplemented, the Authority was created by virtue of an ordinance duly and finally adopted on May 24, 1962, by the Township Committee of the Township as the governing body thereof, and is a public body politic and corporate of the State of New Jersey organized and existing under said Law, constituting a political subdivision and established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare, with all necessary or proper powers to acquire, construct, maintain, operate or improve works for the accumulation, supply or distribution of water and works for the collection, treatment, purification or disposal of sewerage or other wastes and to provide for utility services designed to provide or distribute an adequate supply of water for public and private uses and to relieve pollution of the waters in, bordering or entering the District (hereinafter defined) from pollution or threatened pollution and for improvement of conditions affecting the public health and with all the powers, privileges and authority conferred by said Law; and

WHEREAS the Authority has completed plans and designs and is ready to acquire and construct and place into operation a water supply and distribution system for provision and distribution of water within the District, but cannot economically finance the aforesaid under said Law unless the Authority is to be aided and assisted by the Township as provided in this Agreement; and

WHEREAS the Township desires to aid and assist the Authority in the establishment of said water system and to make it economically feasible for the Authority to proceed with the financing, acquisition and construction thereof so as to make available, at an early date, a water system for the use of residents and inhabitants of the Township and for the supply and distribution of water within said District and also the collection, treatment and disposal of sanitary sewage and other wastes arising within the District by means of a sanitary sewerage system; and

WHEREAS the Township and the Authority have each determined that it will be economical and otherwise advantageous to both of them and to the residents and property owners of the Township for the Township and the Authority to enter into a single contract providing for and relating to the sale and supplying of water in the Township by means of a cold water system and the treatment and disposal of sewage and other wastes originating in the Township by means of said sewerage system and the cost and expense of such sale and supplying of water and of such treatment and disposal which contract, among other things, shall obligate the Authority to proceed with the acquisition and construction and placing in operation of said water system and said sewerage system and obligate the Township to pay to the Authority such fixed amounts and sums or sums of money as may be necessary to provide for deficits resulting from failure or disability of the Authority to derive adequate revenues from the operation of said water system and said sewerage system, and the Township and the Authority have each duly authorized its proper officials to enter into and execute for it this Agreement;

NOW, THEREFORE, in consideration of the premises, of the mutual covenants and agreements herein set forth, and the

undertakings of each party to the other, the Authority and the Township, each binding itself, its successors and assigns, do mutually covenant, promise and agree as follows:

ARTICLE I.
Definitions.

SECTION 101. Definitions. As used and referred to in this Agreement, unless a different meaning clearly appears from the context:

- (1) "Accountant" means the Division of Local Finance in the Department of Community Affairs of the State of New Jersey or a registered municipal accountant or a certified public accountant of the State of New Jersey;
- (2) "Act" means the Municipal Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957, of the State of New Jersey, approved August 22, 1957, and the acts amendatory thereof or supplemental thereto;
- (3) "Agreement" means this 1971 Service Contract;
- (4) "Annual Charges" shall have the meaning given to such term in Article III hereof;
- (5) "Authority" means The Marlboro Township Municipal Utilities Authority referred to hereinabove;
- (6) "Bond" means any bond, note or other evidence of indebtedness heretofore or hereafter issued by the Authority;
- (7) "Bond Resolution" means any agreement of the Authority with or for the benefit of holders of Bonds to be issued pursuant thereto;
- (8) "District" means the area within the territorial boundaries of the Township;
- (9) "Fiscal Year" means the period of twelve calendar months ending with November 30 of any year;
- (10) "Governing Body" shall have the meaning given to such term by the Act;
- (11) "Industrial Wastes" means liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource;
- (12) "Project" means the following water supply and distribution facilities constructed or acquired or to be constructed or acquired in the Morganville-Wickatunk area of the Township as shown on a set of drawings entitled "Marlboro Township Water Supply System, Morganville-Wickatunk Areas, Distribution System, Storage Tank and Wells, Contracts 2, 3 and 4, 1971" prepared by Charles J. Kupper, Inc., Consulting Engineers, Piscataway, New Jersey, with all necessary and incidental connections, equipment, apparatus, structures and appurtenances, and including all real property and rights-of-way, easements and other interests therein and all personal property necessary or desirable for the efficient construction and operation of such facilities:

(a) Distribution mains sized to meet the ultimate requirements of the service area with provision for expansion of the system to serve the remaining portions of the Township, initially serving approximately 2,500 residents at the following streets, places, and locations: (1) in the Morganville Area, Lloyd Road, Orchard Parkway, John Street, West Court, Ryers Lane, Maple Avenue, Baldwin Street, Union Avenue, Marlboro Street, Wilson Street, Roosevelt Avenue, Nelson Street, Harrington Terrace, Brown Road, Greenwood Road, Orchard Street, Thomas Lane, Wicker Place, Martha Place, and portions of Route 79, Tennent Road, Nolan Road, Texas Road and Wolletown Road, and (2) in the Wickatunk Area, Harbor Road, Hillside Terrace, Blossom Avenue, Ridge Road, Center Street, High Street and portions of Route 79, Tennent Road, Crine Road and Pleasant Valley Road;

(b) Wells and water treatment facilities to serve the project area, consisting of a water treatment plant to be located on a ten acre site off Harbor Road in the vicinity of Blossom Heights in the Wickatunk area, including deep wells, pumps, chemical feed equipment and pressure filters, said equipment and filters to be housed in an all purpose building of masonry construction; and

(c) Water storage facilities consisting of a steel-plate water tank to be located off Beacon Hill Road in the Morganville Area and of sufficient capacity to meet the peak hourly fluctuations in demand including residential, commercial and industrial fire demand requirements.

(13) "Sections or Articles" mentioned by numbers the respective Sections and Articles of the 1971 Service Contract;

(14) "Service Charges" means rents, rates, fees or other charges, including all water service charges and all sewer service charges, for direct or indirect connections with, or the use or services of the System which the Authority, under the provisions of Sections 22, 23 or 24 of the Act, is or may be authorized to charge and collect with regard to persons or real property;

(15) The term "sewage" means the waterborne animal or vegetable wastes (other than industrial wastes) from water closets, buildings, residences, industrial establishments or other places, together with such ground water infiltration, surface water, admixtures or other wastes as may be present;

(16) "Sewerage System" means the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, con-

structed or operated by the Authority to provide a water supply and distribution service by means of the System and to provide sewage collection and disposal service by means of the System, and to that end, may enter upon and use and connect with any existing public drains, sewers, conduits, pipelines, pumping and ventilating stations and sewage treatment plants and works or any other public property of a similar nature within the Township and close off and seal outlet and outfalls therefrom, and may construct, maintain and operate the System, streets, alleys, highways, and other public places within the Township.

(17) "System" means the Sewerage System and the Water System, including the Project;

(18) "Township Council" means the council of the Township of Marlboro.

(19) "Water System" means the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by the Authority for the purposes of the Authority, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping, stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification or filtration plants or other plants and works, connection, rights of flowage or diversion, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(19) Words importing the singular number include the plural number, and vice versa, and words importing persons include firms, associations and corporations.

SECTION 102. Short Title. This agreement may hereafter be cited by the Authority or by the Township and is herein sometimes referred to as the "1971 Service Contract".

SECTION 103. Severability of Invalid Provision. If any one or more of the covenants or agreements provided in the 1971 Service Contract, on the part of the Authority or the Township to be performed should be contrary to law, then such covenant or covenants, agreement or agreements, shall be deemed separable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of the 1971 Service Contract.

ARTICLE II
Construction of the System.

SECTION 201. Construction and Operation of Project. The Authority will with all practicable speed prepare and complete (to the extent not already prepared and completed) plans for the construction, acquisition and financing of the Project and upon completion of such financing or the making of arrangements therefor satisfactory to the Authority, will with all practicable speed construct, acquire and complete the Project and place the same in operation. The Authority will thereafter operate and maintain and to the extent permitted under the terms of Section 202, enlarge the System so as to supply and distribute water and to treat and dispose of sewage by means of the System subject to and in conformity with the provisions of the Agreement and with respect to any property connected thereto in accordance with the provision of this Article.

SECTION 202. Alteration, Renewal or Extension of System. The Authority may at any time enlarge, alter or improve the System or renew or replace any part thereof, but the Authority shall not construct or acquire, and nothing in this Agreement shall be deemed to require the Authority to construct or acquire, any extension of any water main or sewer main (which is not a part of the Project) as an extension of the System unless (a) written consent to construction or acquisition of such extension shall have previously been given by the Township Council, or (b) a certificate of the consulting engineer retained by the Authority shall be delivered to the Authority stating the opinion that the average estimated Service Charges based upon the current rate schedule to be collected with respect to such extension exceeds the average estimated operating expenses and debt service with respect to such extension for a period of not less than five years after the time of placing in operation of such extension; and the feasibility of such extension is substantiated by receipt of bids by the Authority for the proposed extension or addition.

SECTION 203. Project Plans to be Approved. Before undertaking construction of any substantial part of the Project, the plans and specifications for such construction will be submitted by the Authority to the Department of Environmental Protection of the State of New Jersey for approval as to the sufficiency of design thereof and compliance with standards as then promulgated by said Department and in effect, and a permit (if required) will be obtained by the Authority from said Department to proceed with such construction.

SECTION 204. Location of System and Use of Public Property. The Authority shall have the right to construct, maintain, operate and use such reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping and ventilating stations, treatment, purification and filtration plants or works, trunk, intercepting and outlet sewers, water distribution systems, waterworks, sources of water supply and wells at such places within or without the District, and such other plants, structures, boats and conveyances as in the judgment of the Authority are necessary

to provide a water supply and distribution service by means of the System and to provide sewage collection and disposal service by means of the System, and to that end, may enter upon and use and connect with any existing public drains, sewers, conduits, pipelines, pumping and ventilating stations and sewage treatment plants and works or any other public property of a similar nature within the Township and close off and seal outlet and outfalls therefrom, and may construct, maintain and operate the System, streets, alleys, highways, and other public places within the Township.

SECTION 205. Conveyance of Facilities. From time to time upon notice from the Authority, the Township will grant and convey to the Authority, upon such terms and conditions as have heretofore been or shall hereafter be agreed to, any water main or other water supply facility or any sewer or other sanitary sewerage facility which may be owned by the Township and be specified in any such notice or notices.

SECTION 206. Connections to be Permitted. The Authority will permit every property in the Township fronting on the System or having reasonable access thereto to be connected with the System, but only upon payment to the Authority of such connection charge or charges as the Authority may prescribe; and subject to and in conformity with the rules and regulations of the Authority then in effect.

SECTION 207. Connections to be Required. The Township will require all properties within its territory fronting on the System or having reasonable access thereto to be connected with the System in accordance with law and subject to rules and regulations of the Authority then in effect.

ARTICLE III
Charges by the Authority and Payment by the Township.

SECTION 301. Service Charges. With respect to all water, services, facilities or products sold, supplied or furnished by or from the Water System and for all direct or indirect connections with, and all use, products and services of the Water System, and with respect to all sewage or other wastes delivered into the Sewerage System and for all direct or indirect connections with, and all use and services of, the Sewerage System, the Authority will charge Service Charges in accordance with the Act and at least to the extent required by the 1971 Service Contract and at the rates established in accordance herewith. Said Service Charges shall be computed at rates sufficient to assure receipt by the Authority in each Fiscal Year (beginning with the Fiscal Year ending in 1972) of the sum of money equal to the sum of all of the amounts necessary in such Fiscal Year (1) to pay or provide for the expenses of operation and maintenance of the System and the principal of and interest on any and all Bonds as the same become due, and (2) to maintain such reserves or sinking funds as may be required by the terms of any contract of the Authority or any Bond Resolution, or as may be deemed necessary or desirable by the Authority, and (3) to comply in all respects with the terms and provisions of any Bond Resolution and of the Act, but nothing in this Section or in the 1971 Service Contract contained shall prevent the Authority from charging Service Charges which shall be less than sufficient to comply with the foregoing requirement, provided that the Township shall have given its written consent in the manner herein provided to such lesser Service Charges.

SECTION 302. Annual Charges. For the sale and supplying of water in the Township and for the treatment and disposal of sewage originating in the Township and to assure continuance of such sale and supplying of water and of such treatment and disposal of sewage at reasonable rates of Service Charges, the Authority will charge the Township and the Township shall make payment to the Authority of Annual Charges computed and to be paid as set forth in this Agreement. The Annual Charges made and to be charged by the Authority to and payable by the Township for or with respect to any Fiscal Year shall be the sum of money equal to the excess (if any) of

- (A) The sum of all of the amounts necessary or expended in such Fiscal Year (1) to pay or provide for the expenses of operation and maintenance of the System, including (without limitation of the foregoing) insurance, renewals, replacements, extensions, enlargements, alterations and betterments, (2) to pay or provide for any interest becoming due prior to the end of such Fiscal Year on Bonds, (3) to pay or provide for the principal or redemption premium of Bonds becoming due prior to the end of such Fiscal Year (4) to provide for any deficits of the Authority resulting from failure to receive sums payable to the Authority by the Township, and other municipality, any county or any person or from any other cause, and
- (5) to maintain such reserves or sinking funds to provide for expenses of operation and maintenance of the System or for any interest on or principal or redemption premium of Bonds or for any such deficits as may be required by the terms of any contract of the Authority or Bond Resolution or be deemed necessary or desirable by the Authority, over
- (B) the sum of such parts (if any) of the several amounts referred to in subparagraph (A) of this Section as,

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prior to the end of such Fiscal Year, are properly paid and discharged or fully provided for by application, in accordance with the Act or any Bond Resolution. (1) Service Charges collected by the Authority, (2) the proceeds of Bonds received by or for account of the Authority (3) the proceeds of insurance received by or for account of the Authority, (4) interest received on investments of funds held for the benefit or security of the Authority or the holders of Bonds, (5) contributions received by or for account of the Authority and not under any circumstances repayable by the Authority until after the payment in full of all other obligations of the Authority including its Bonds, original or refunding or both, or (6) surplus reserves on hand and applicable and available therefor at the beginning of such Fiscal Year.

SECTION 303. Rates of Service Charges. (1) The Service Charges to be prescribed, fixed and charged by the Authority pursuant to this Agreement shall be computed in accordance with and at the rates shown on a schedule of such charges which, after written consent to adoption of such schedule, or approval of such schedule after its adoption, shall have been given by or on behalf of the Township, shall be adopted and established by the Authority. After such adoption, the Authority may from time to time modify said schedule but only by amendments adopted in conformity with the restriction of, and permitted by, this Section.

(2) The Authority shall not adopt or make any amendment of the schedule referred to in paragraph (1) of this Section (or of any revision thereof) at any time or in any particular unless:

(a) Such amendment imposes or affects only a payment (generally called a "connection charge") to be made to the Authority for or with respect to each making or discontinuing of a service connection to the System, or

(b) Written consent to such amendment shall have been previously given by or on behalf of the Township, or

(c) Such amendment is required by the terms of any final judgment or decree of a court of competent jurisdiction, or

(d) Such amendment is required by any of the terms or provisions of any Bond Resolution of the Authority, or any of the covenants made therein for the benefit of holders of Bonds, or

(e) No Annual Charges shall have become payable by the Township to the Authority under the terms of the Agreement for or on account of any of the last three Fiscal Years ended next prior to the adoption or making of such amendment, or

(f) Such amendment is required by the provisions of this Agreement, or

(g) Such amendment is an increase of one or more rates or classifications of Service Charges and is recommended by a consulting engineer of the Authority.

SECTION 304. Payment of Annual Charges by Township. (1) For or in connection with the sale and supplying of water in the Township and the treatment and disposal of sewage or other wastes originating in the Township by means of the System during each Fiscal Year, the Township will pay to the Authority the Annual Charges made and charged by the Authority to and payable by the Township for such Fiscal Year computed by the Authority as provided in this Article. On or before December 30 of each Fiscal Year the Authority will make and deliver to the Township Council its certificate stating the amount of the Annual Charges for said Fiscal Year computed in accordance with this 1971 Service Contract, accompanied by a certificate signed by an Accountant approving the statements in such certificate of the Authority. The Annual Charges for each Fiscal Year, to the extent that any part thereof shall not have been theretofore paid, shall at all events be due and payable not later than January 15 next succeeding after the close of such Fiscal Year, but current provision for and payment of part of such Annual Charges on an estimated basis shall be made by the Township in accordance with the following paragraphs of this Section.

(2) On or before the twenty-fifth day of the month next following the month in the Fiscal Year in which the Authority may first issue any Bonds and on or before December 30 of each Fiscal Year thereafter (and in any event on or before December 30 of any part thereof shall have been placed in operation), the Authority will make an estimate of the amount of the Annual Charges which will become payable by the Township for such Fiscal Year and thereafter on or before January 15 of such Fiscal Year, will make and deliver to the Township its certificate stating such estimated amount that is the Annual Charges for such Fiscal Year. In the event that any part of any Annual Charges theretofore becoming payable by the Township shall not have been paid, the Authority will include in such certificate an additional provision separately stating the amount of such unpaid part (herein called the "Prior Annual Charges Deficiency").

(3) The Township will in each year make all budgetary and other provisions or appropriations necessary to provide for and authorize the payment by the Township to the Authority during each Fiscal Year of the estimated amount of the Annual Charges and the amount of the Prior Annual Charges Deficiency (if any) stated in the certificate delivered in such Fiscal Year to it

by the Authority as aforesaid.

(4) On or before January 16 of each Fiscal Year, the Township will pay to the Authority the amount of the Prior Annual Charges Deficiency (if any) stated in the certificate delivered in such Fiscal Year to it by the Authority as aforesaid. The Township will pay to the Authority that part of the estimated amount of the Annual Charges stated in the certificate delivered in such Fiscal Year to it by the Authority as aforesaid in four equal installments on the first days of February, May, August and November of such Fiscal Year, provided that in the Fiscal Year in which the Authority may first issue any Bonds, said estimated amount with respect to such Fiscal Year shall be such part thereof as results from application thereto of a fraction the denominator of which shall be twelve and the numerator of which shall be the number of months remaining in such Fiscal Year after the date of issuance of Bonds, and such amount shall be divided into as many installments as there are such months remaining in such Fiscal Year and one of such installments shall be due and payable to the Authority on the first day of each such month.

(5) In the event that the amount of the Annual Charges made and charged by the Authority to and payable by the Township for any Fiscal Year computed as provided in this Article shall be less than the estimated amount of such Annual Charges (as aforesaid) stated in the certificate delivered in such Fiscal Year to it by the Authority, the Authority will credit the difference between said amounts to the Township against the amount of the next payment becoming due to the Authority from the Township under paragraph (1) or (4) of this Section.

SECTION 305. Limitation of Service Charges. The sums payable by the Township to the Authority under the provisions of this 1971 Service Contract are and shall be in lieu of part of the Service Charges which the Authority would otherwise, under the provisions of Sections 21 or 22 of the Act, charge and collect with regard to real property within the Township directly or indirectly connected with the System, and so long as the Township shall not be in default in the making of payments becoming due from it under the provisions of this Agreement, the Authority will suspend all Service Charges with regard to such real property except Service Charges computed in accordance with the provisions of Section 303 and this connection charges, but nothing in this Section of this Agreement contained shall prevent the Authority from charging and collecting, as if this Agreement had not been made, Service Charges with regard to persons or real property within the Township sufficient to meet any default or deficiency in any payments agreed herein to be made by the Township. For the purpose of this Section, the Township shall be deemed to be in default if the Township, for a period of thirty days after its due date, shall fail to make in full to the Authority any payment required to be made by it under the provisions of this Agreement.

SECTION 306. Collection of Service Charges. The Authority will at all times take all reasonable measures permitted by the Act or otherwise by law to collect and enforce prompt payment to or for it of all Service Charges prescribed, fixed and charged by it in accordance with this Agreement.

SECTION 307. Repayment of Annual Charges. The Authority will repay to the Township, unless waived by the Township in writing, any annual charges collected from the Township. Said charges may be repaid by the Authority in installments over a period not to exceed three years. This repayment of annual charges is subject to the obligation of the Authority to pay, or provide for payment of its obligations to bond holders under the terms of contracts or bond resolutions heretofore or hereinafter entered into with said bond holders. Repayments of annual charges may only be made from the Authority's surplus.

ARTICLE IV. Miscellaneous.

SECTION 401. Rules and Regulations. The Authority may at any time, promulgate, issue, publish and from time to time amend, and enforce, rules and regulations regulating the making of connections to the System or the use or services of its utility system or prohibiting or regulating the discharge into the System or any sewer, sanitation or drainage systems connected therewith of storm water drainage from ground surface, roof leaders or catch basins or from any other source, industrial wastes, oils, acids or any other substances which, alone or in combination with other substances discharged into the System, are or may be injurious or deleterious to the System or to its efficient operation, and the Township will fully conform with such rules and regulations and will cause the same to be fully observed and conformed with throughout its territory. Such rules and regulations may include lists of harmful wastes, discharge of which into the System or any sewer, sanitation or drainage systems connected therewith shall be prohibited. In the enforcement of such rules and regulations (or in enforcement of Service Charges), the Authority may refuse to permit or continue the connection to the System of properties in the Township, and such refusal shall not be deemed to result in any violation by the Authority of the provisions of this Agreement as to construction or operation of the System

or the charging or collection of Service Charges or any other matter.

SECTION 402. Insurance. The Authority will at all times maintain with responsible insurers all such insurance as is customarily maintained with respect to utility systems of like character against loss or damage to the System and against public or other liability to the extent not less than that reasonably necessary to protect the interest of the Authority and the Township, and will at all times maintain with responsible insurers all insurance reasonably required and obtainable within limits and at costs deemed reasonable by the Authority to indemnify and save harmless the Authority and the Township against all liabilities, judgments, costs, damages, expenses and attorney's fees for loss, damage or injury to person or property resulting directly or indirectly from the operation or a failure of operation of the System caused by the negligence or willful act of the Authority, its employees or agents.

SECTION 403. Accounts. The Authority will keep proper books of record and entries shall be made of its transactions relating to the System or any part thereof and which, together with all other books and papers of the Authority, shall at all reasonable times be subject to inspection. The Authority shall cause its books and accounts to be audited annually by an Accountant, and annually within three months after the close of each Fiscal Year, copies of the reports of such audits so made shall be furnished to the Authority and to the Township, including statements in reasonable detail, accompanied by a certificate signed by the Accountant, of financial condition, of revenues and operating expenses, and of all funds held by or for the Authority.

SECTION 404. Competitive Facilities. The Township will not, after the date of this Agreement, construct any water supply or distribution system or other facilities for distribution of water within the District or construct any sewage disposal plan or sewers or other facilities for the collection, treatment or disposal of sewage originating within the District unless the Authority shall have given its written consent to such construction.

SECTION 405. Enforcement and Obligation of Annual Charges. If any payment or part thereof due to the Authority from the Township shall remain unpaid for thirty days following its due date, the Township shall be charged with and will pay to the Authority interest on the amount unpaid from its due date until paid, at the rate of six per centum (6%) per annum. Every obligation assumed by or imposed upon the Township by the 1971 Service Contract shall be enforceable by the Authority by appropriate action or proceeding, and the Authority may have and pursue any and all remedies provided by law for the enforcement of such obligation including the remedies and processes provided by the Act with respect to Service Charges.

SECTION 406. Effect of Breach. Failure on the part of the Authority in any instance or under any circumstance to observe or fully perform any obligation assumed by or imposed upon it by this Agreement or by law shall not make the Authority liable in damages to the Township or relieve the Township from making any payment to the Authority or fully performing any other obligation required of it under this Agreement, but the Township may have and pursue any and all other remedies provided by law for compelling performance by the Authority of said obligation assumed by or imposed upon the Authority.

SECTION 407. Consents or Waivers by Authority. Whenever under the terms of this Agreement the Authority is authorized to give its written consent, the Authority, in its discretion, may give or refuse such written consent and, if given, may restrict, limit or condition such consent in such manner as it shall deem advisable. Supply by the Authority of water from the System or acceptance by the Authority into the System of sewage or other wastes in any instance in a volume or at a rate or with characteristics exceeding or violating any limit or restriction provided for by or pursuant to this Agreement in one or more instances or under one or more circumstances shall not constitute a waiver of such limit or restriction or of any of the provisions of this Agreement and shall not in any way obligate the Authority thereafter to accept or make provision for sewage or wastes delivered into the System in a volume or at a rate or with characteristics exceeding or violating any such limit or restriction in any other instance or under any other circumstance.

SECTION 408. Special Consents by Township. Whenever under the terms of this Agreement the Township is authorized to give its written consent, such consent may be given and shall be conclusively evidenced by a copy, certified by its Township Clerk and under its seal, of a resolution purporting to have been adopted by the Township Council and purporting to give such consent.

SECTION 409. Special Consents by Authority. Whenever under the terms of this Agreement the Township is authorized to give its written consent, such consent may be given and shall be conclusively evidenced by a copy, certified by its Secretary and under its seal, of a resolution purporting to have been adopted by the Authority or

its members and purporting to give such consent.

SECTION 410. Pledge or Assignment. This 1971 Service Contract may not be assigned by either party without the written consent of the other, provided however, that, since this Agreement is made with particular reference to the holders or respective holders of the Bonds or other obligations of the Authority for the purpose of assuring and protecting the interests of such holders, the Authority may at any time assign or pledge for the benefit and security of the holders of Bonds all of its rights under the provisions of this Agreement to receive payments from the Township, and thereafter this Agreement shall not be terminated, modified or changed by the Authority or Township except in the manner (if any) and subject to the conditions (if any) permitted by the terms and provisions of such assignment or pledge.

SECTION 411. Services Outside of Township. The Authority will not permit any property located outside of the Township to be connected with the System for the purpose of securing water from the System or of delivering sewage into the System, or supply water to, or accept any sewage or industrial wastes from, any person or property outside of the Township unless written consent thereto shall have previously been given by or on behalf of the Township.

SECTION 412. Report as to Bonds. Forthwith upon the issuance of any Bonds, The Authority shall prepare and file in the office of the Township Clerk of the Township a schedule setting forth the principal amount, designation, denomination, date of issue, place of payment, maturities, rate of interest and redemption prices (if any) of such Bonds, together with a copy of the resolution of the Authority authorizing such Bonds, each certified by its Secretary and under its seal.

SECTION 413. Termination of this Agreement. At any time after five years from the date of this 1971 Service Contract and after the payment in full of all obligations of the Authority including its Bonds, the Township or the Authority upon two years' notice to the other party hereto, but subject to the provisions of Section 410 hereof, may terminate this Agreement.

SECTION 414. Services Charges to Township. Nothing contained in this 1971 Service Contract shall prevent the Authority from charging Service Charges, or shall require the Authority to charge Service Charges, for or with respect to utility service supplied by the Authority to any municipal or public buildings or facilities owned or operated by the Township in its governmental capacity.

SECTION 415. County or Regional Sewerage System. Notwithstanding the terms or limitations of any other provisions of this 1971 Service Contract, the Authority at any time or from time to time may (a) permit, consent to or approve the construction, acquisition or operation of facilities within or without the Township which are part of a county or regional sewerage system for the purpose, among others, of the transmission, treatment and disposal of sewage collected by the Authority, (b) provide for the delivery of sewage and industrial wastes collected by the Authority to such county or regional system, and enter into and perform contracts with respect to the treatment and disposal of such sewage and industrial wastes by means of such system and the cost and expense of such treatment and disposal, (c) make payments pursuant to said contracts for such treatment and disposal as obligations incurred in maintaining, repairing and operating the System of the Authority in the same manner and from the same sources as other operating expenses are paid under any Bond Resolution, (d) modify the System of the Authority in any manner which the Authority by resolution finds to be necessary in order to obtain the benefits of said contracts and (e) sell, lease or otherwise dispose of any of its property which the Authority by resolution finds, reason of the existence of said contract to be no longer needed in connection with the maintenance and operation of the system and said Authority.

SECTION 416. Execution of Counterparts. This Agreement may be executed in any number of counterparts each of which shall be executed by the Authority and by the Township and all of which shall be regarded for all purposes as one original and shall constitute and be but one and the same.

IN WITNESS WHEREOF, the Authority and the Township have caused their respective seals to be hereunto affixed and attested and these presents to be signed by their respective officers thereunto duly authorized and this Agreement to be dated as of the day and year first above written.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on September 23, 1971, and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on October 14, 1971 at Marlboro Elementary School at 8 p.m. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same. By order of the Council of the Township of Marlboro.

MILDRED F. ACKERMAN, Clerk (419.84) 29678

we must proceed with the system. He felt this would also attract future industry to Marlboro Township.

Councilman Stokes spoke of the water problems in the Morganville area and said it would be a disservice to the people of the township not to go ahead with the system.

Councilman Williams said he has been with this system since its conception and that he is honored to vote on it tonight.

Council Pres. McLaughlin spoke of his involvement with the system since 1969 and said that with Council's full backing and the support of all the administrative offices of the township, this system will benefit the entire township.

The Mayor said he could not share most of the sentiments expressed because he had too many doubts and yet there was no question of the need for water. He said he would review the bidding documents and their specifications and would inform Council of his decision. The Mayor asked for an agreement that Council and the MUA together would fix rates to users and said he did not want to force people to lose their homes. He said he would think this over carefully and would inform Council of his decision tomorrow.

The resolution was thereafter adopted on a unanimous roll call vote.

Following the adoption of the resolution, Mayor Salkind asked Council to depart from the agenda. He said he had received a resignation from the Director of Finance today and had refused to accept Mr. Rotheim's resignation. He stated he had ordered the Director of Finance to approve and to certify all invoices received from the Township Attorney regardless of the amount of money and the hourly rate charged thereupon. The Mayor then read a letter from Mr. Rotheim certifying to an unencumbered balance in the Bond Ordinance #13-70, and requested Council pass a resolution authorizing the payment to Mr. Minogue of \$7,507.13 in accordance with Judge Salvest's transcript. He said that regardless of whether or not Council passes such a resolution, he had ordered that the check be issued. The Mayor then handed Council President McLaughlin said check payable to Mr. Minogue.

Council President McLaughlin moved that the resolution of June 17, 1971 authorizing the payment of services of

James R. Mingoue for bonding ordinance #13-70 be authorized in the amount of \$7,503.13 per the request of Judge Salvest of the Superior Court of New Jersey. Seconded by Councilman Williams.

DISCUSSION: Councilman Grossman said he was against the amount of Mr. Minogue's bill and would not vote for it. Councilman Herman said a council resolution was passed on June 17, 1971 regarding the bill and that payment was subject to the availability of funds, which certification was just made by Mr. Rotheim. He did not feel it was necessary for Council to act again and said on that basis he would abstain. Council President McLaughlin agreed with Councilman Herman. Councilman Stokes said he had not reviewed the voucher and also must abstain. The motion failed on the following roll call vote:

Nays: Councilmen Grossman and Williams

Abstain: Councilmen Herman, Stokes and McLaughlin

Councilman Grossman asked that the check be held until the disposition of the case before Judge Salvest on October 26, 1971.

The Chair called for a motion that the public hearing on Ordinance #15-71 be postponed until next Council meeting on October 28, 1971. So moved by Councilman Grossman, seconded by Councilman Williams and carried unanimously.

ACTION ON MINUTES:

March 25, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Grossman, seconded by Councilman Williams and carried with Councilmen Herman, Stokes and McLaughlin abstaining.

April 8, 1971 Regular Meeting: Motion to approve the minutes with Resolution numbers 57-71 and 58-71 corrected to read numbers 68-71 and 69-71 was made by Councilman Grossman, seconded by Councilman Williams and carried with Councilmen Herman and Stokes abstaining.

April 12, 1971 Special Meeting: Motion to approve the minutes with Resolution numbers 59-71 thru 66-71 corrected to read numbers 70-71 thru 77-71 was made by Councilman Williams, seconded by Council President McLaughlin and carried with Councilmen Grossman, Herman and Stokes abstaining.

April 22, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Williams, seconded by Councilman Grossman and carried with Councilmen Stokes and Herman abstaining.

October 18, 1971

May 13, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Grossman, seconded by Council President McLaughlin and carried with Councilmen Herman and Stokes abstaining.

May 27, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Herman, seconded by Councilman Williams and carried with Councilmen Grossman and Stokes abstaining.

June 10, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Grossman, seconded by Councilman Herman and carried with Councilmen McLaughlin and Stokes abstaining.

June 17, 1971 Continued Meeting: Motion to approve the minutes made by Councilman Herman, seconded by Councilman Williams and carried with Councilman Stokes abstaining.

June 24, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Herman, seconded by Councilman Williams and carried with Councilmen Stokes and Grossman abstaining.

July 8, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Herman, seconded by Councilman Williams and carried with Councilmen Stokes and McLaughlin abstaining.

August 12, 1971 Regular Meeting: Motion to approve the minutes made by Councilman Herman, seconded by Councilman Williams and carried with Councilman Stokes abstaining.

August 19, 1971 Continued Meeting: Motion to approve the minutes made by Councilman Williams, seconded by Councilman Grossman and carried with Councilmen Herman, Stokes and McLaughlin abstaining.

August 26, 1971 Continued Meeting: Motion to approve the minutes made by Councilman Herman, seconded by Councilman Williams and carried with Councilmen Grossman and Stokes abstaining.

August 26, 1971 Special Meeting: Motion to approve the minutes made by Councilman Williams, seconded by Councilman Herman and carried with Councilmen Grossman and Stokes abstaining.

August 27, 1971 Special Meeting: Motion to approve the minutes made by Councilman Williams, seconded by Councilman Herman and carried with Councilman Stokes abstaining.

RESOLUTION #218-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified those vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
W. Lawrence Krusen, Esq.	Bd of Adj. Retainer, May-Aug		1,185.00
N.J. Bell Telephone Co.	462-0059, 9/4	390.92	
	536-3465, 9/1	15.84	
	431-9346, 9/19	16.42	
	536-3399, 9/1	24.15	
	462-5713, 8/26	14.85	
	431-1734, 9/19	7.90	470.08
N.J. Natural Gas Co.	4978, 8/18-9/17	3.13	
	4990, 8/18-9/17	3.69	6.82
Village Water Co.	02200, Jun-Sept	12.00	
	02180, Jun-Sept	14.00	26.00
Jersey Central Power & Light	Street Lighting		2,646.55
Walter Holtz & Gladys Holtz	Right of Way Purchase Bond 13-70		1,320.00
Pauline E. Allen	Right of Way Purchase Bond 13-70		9,000.00
Parsons, Canzona, Blair Ralph S. Van Note	Right of Way Purchase Bond 13-70		1,300.00
General Code Publishers	Zoning Maps		50.00
International Business Machines	- Supplies		14.98
Asbury Park Press, Inc.	Legal Advertising August		505.82
Linnett & Co.	Folders & Supplies	26.84	
	Envelopes & Supplies	20.42	
	P. O. Forms	27.37	74.63
Mat-Key Press, Inc.	Mun. Court Envelopes	26.75	
	Desk Sheets	56.00	
	Police Printing	46.00	128.75
Mon. & Ocean Cnty Tx Coll. & Treasurers Assoc.	Dinner Meeting Finance		18.75
The Debenrich Corp.	Property Tax Change Forms		19.00
Edward Usher Co.	Collector's Cash Book		91.73

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Kepwel Spring Water	Water, August		50.25
Sloan Products Co.	Plastic Cups		18.00
Oleson Welding Co.	Iron Railing		192.00
A & A Coffee Service	Coffee Kit		24.00
Freehold Transcript	Legal Advertising		18.72
Allen Warren Assoc.	September Ads		640.00
Collins & Smith Inc.	Workman's Compensation		2,895.00
N.J. State Police Narcotics School	Registration for Sgt.		15.00
Skip's Gun Shop	Shotguns		724.90
B&B Auto Radiator	Fan		19.45
Walter Heath Co.	Boots	688.50	
	Utility Uniforms & Gloves	531.75	
	Fuses	60.00	
	Batons	82.50	
	Traffic Cones	75.00	
			1,437.75
West Publishing Co.	N.J.Statutes Ann.		18.00
Sprague's Oil Service	Gasoline	300.51	
	Fuel Oil	46.66	
			347.17
Tom's Ford Inc.	Bolt		2.84
Harter Equipment	Hose		7.32
Colot's Service	Grader Tires		340.00
M.D. Stokes	Saw Sharpened		3.50
Jersey Tractors Inc.	Service Call		30.80
C. H. Roberson, Inc.	Cap		2.95
Alfred L. Storer	Dump Brush		190.00
Joseph A. Mazzeo	Mobile Antenna		73.00
Mechanic's Uniform	Rental Service August		130.20
Dianem Company	Hoist Cylinder		85.71
Franklin's Garage	Tires Repaired		13.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Manzo Contracting Co.	Coldpatch	1,473.59	
	Gravel	1,367.31	
	Coldpatch	795.20	
	Stone	1,541.23	5,177.33
Brown Publishing & Print	Food Order Forms, Publ. Assist.		17.00
Bd of Ed. Marlboro	Transportation, Recreation 7/12-379.95		
	Transportation, Recreation to -441.95		
	Transportation, Recreation 8/26-662.60		1,484.50
Mason's Dept. Store	Projection Lamp		6.57
Sayrewoods Camera House	Repairs on Sound Projector		36.00
Bd. of Parks & Rec. Comm.	Box lunches		54.25
Boro Busses	Trip Shea Stadium		119.60
George Angelo	Umpire, Men's softball League		96.00
Birch Hill Recreation	Use of Swim Club		1,755.00
Ferry's Trophy Co.	Softball Trophy		21.61
Ryan Bros.	Film and Supplies		11.78
Super. of Documents H.E.W.	Subscription		2.50
Middlesex Brookdale Bev.	Soda		18.80
Willoughby Peerless	Film Rental (5)		90.00
Avco-Embassy	Film Rental (3)	75.00	
	Film Rental (1)	30.00	105.00
N.J. State Dept. of Health	Dog Account		4.50

Total

\$ 33,138.11

Offered by: *Grossman*

Ayes:

Herman, Wms, Stone R/K

Seconded by: *William's*

Abstain: *Grossman, McLaughlin*

Nays: *None*

The above Resolution was adopted this 14th day of October, 1971.

Mildred F. Ackerman
MILDRED F. ACKERMAN, CLERK

John McLaughlin
JOHN McLAUGHLIN, COUNCIL PRES.

August 31, 1971 Special Meeting: Motion to approve the minutes was made by Councilman Herman, seconded by Councilman Williams and carried with Councilmen Stokes and McLaughlin abstaining.

NEW BUSINESS:

The Chair asked that all items under New Business with the exception of the Bill Paying Resolution be postponed until the October 28th Council meeting. So moved by Councilman Grossman, seconded by Councilman Williams and carried unanimously on a roll call vote.

Councilman Grossman offered Resolution #218-71 (Bill-Paying) copy of which is attached hereto and made a part hereof. The resolution was seconded by Councilman Williams and adopted on the following roll call vote:

Ayes: Councilmen Herman, Williams and Stokes
Nays: none
Abstain: Councilmen Grossman and McLaughlin

Councilman Williams then offered the following resolution and urged its adoption:

RESOLUTION #219-71

"WHEREAS, for the purpose of controlling damage to property and personal injury it is necessary to impose a curfew on Halloween evening and the preceding evening with respect to persons under the age of 18 years on the public streets without being accompanied by parents in the Township of Marlboro after 8 PM on said evenings;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that no person under the age of 18 years shall be in or upon any public street in the Township of Marlboro between 8 PM and 6 AM on the following morning on October 30th and October 31st, 1971 without being accompanied by a parent."

Seconded by Councilman Grossman and carried with Councilman Stokes abstaining.

MAYOR'S REPORT:

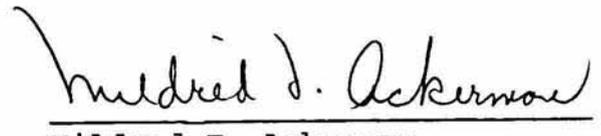
The Mayor briefly reported on the 7.6 miles of unpaved roads in the township including Igoe and Topanemus Roads, and said Judge Harrington is continuing to sit in the Municipal Court.

Because of the late hour, Councilman Williams moved that the meeting be adjourned. Seconded by Councilman Herman and carried unanimously.

The meeting adjourned at 12:05 A.M.



Acting Council President,
John H. Williams



Mildred F. Ackerman,
Township Clerk

Minutes approved: 11/30/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF OCTOBER 28, 1971

The regular meeting of the Marlboro Township Council was called to order by Councilman Williams on Thursday, October 28, 1971 at 8:16 P.M. at the Marlboro Elementary School, School Road West, Marlboro.

After the Salute to Our Flag a moment of silence was observed in memory of the deceased veterans of our Country.

ROLL CALL: Present: Councilmen Grossman, Herman, Williams and Stokes

Absent: Council President McLaughlin

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue, Clerk Mildred F. Ackerman and Deputy Clerk Teresa R. Eldridge.

Councilman Grossman offered a motion that Councilman Williams be appointed Acting Council President for the evening. Seconded by Councilman Herman and carried with Councilman Williams abstaining.

Acting Council President Williams announced that tonight's agenda included as the first order of business a public hearing on Ordinance #15-71 (Amendment to Subdivision Ordinance #11-71) and declared the Public Hearing open.

PUBLIC HEARING: Ordinance #15-71 - AN ORDINANCE AMENDING ORDINANCE #11-71 KNOWN BY ITS SHORT TITLE AS "THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY" INTRODUCED AND PASSED ON FIRST READING BY THE COUNCIL OF THE TOWNSHIP OF MARLBORO ON MAY 27, 1971"
(Copy of Ordinance is attached hereto as exhibit "A")

Reprints of the ordinance were available to the public.

Mr. Ed Adams, Emerson Drive, Morganville asked how many times an applicant has to go before the Planning Board and Council. He suggested the ordinance be amended to facilitate the handling of industrial ratables.

Mr. George Ruzicka, Wendy Lane, Marlboro said he just returned from Indianapolis where an applicant waits ninety days and has two public hearings in order to make sure the public has ample opportunity to be heard.

Mr. Martin Powers, 34 Halifax Drive, Morganville asked if in Section 2, Paragraph 501 the word "or" should be Master Plan "and" Official Map. Referring to Section Five, Article 5, Section 502.8 he wanted to know what is the longest period of time before the Planning Board shall act. He suggested that a copy of the approved minor subdivision Plat referred to in Section 14, Article V, Section 503.6 be sent to the MUA. He asked for an explanation of the waiver clause referred to in Section Five. He suggested a clarification of 502.12 as the general statement is philosophically in error because if Council doesn't act the application will die. Council should be allowed the possibility of extending its deliberation. He said there should be some kind of limitation in Section 6, 502.12 because the subdivider has no vested interest after sketch plat is approved and that the paragraph is poorly written and needs attention. He felt it should read not later than 6 months.

Mrs. Mary Denton, Morganville said that this ordinance should limit Council as the Planning Board and Zoning Board are limited in that if they don't take a specific action on an application before them it is either automatically approved or disapproved.

Mr. Powers said that in the future Council may find it necessary to conduct weekly meetings. He also asked if Council had taken into consideration his previous suggestions as he did not see them included in the amendment. He asked members of Council if they were in favor of pulling power from the Planning Board.

Mr. Powers referred to Section 503.7 and asked what the terms "in writing" meant. He also asked if the look alike clause should be a part of the Subdivision Ordinance or the Zoning Ordinance.

Mr. Ed Adams asked Council in what way each of them were competent to review the sketch plats.

Mr. Roger Ellowitz, Duncan Drive, Morganville said that it seemed to him that Council should review Planning Board activities and work through their chosen representative on the Planning Board.

Mr. Powers suggested that Council attend Planning Board public hearings on sub-divisions and make constructive criticism.

Mr. Leonard Schneider, Amherst Road, Marlboro felt that this ordinance was not good with regard to industry.

Mr. George Ruzicka said the basic philosophy of this ordinance is mutual consideration and cooperation to get an application through in faster time.

Mr. Roger Ellowitz said that all the talk thus far has been the philosophy of Planning Board versus Council. He suggested the ordinance not be voted on now.

At 10:10 P.M. the Chair declared a short recess. The meeting was called back to order at 10:33 P.M.

As no other member of the public wished to be heard the Chair declared the public hearing closed and asked for a motion to table action on the Subdivision Ordinance #11-71 and the Amendment to the Subdivision Ordinance, Ordinance #15-71. So moved by Councilman Grossman with the addition that action be tabled until November 11th, 1971. Seconded by Councilman Stokes and carried unanimously on a roll call vote by those present.

APPROVAL OR CORRECTION & APPROVAL OF MINUTS OF 9/9/71:

Councilman Grossman offered a motion to approve the minutes of September 9, 1971. Seconded by Councilman Williams and carried on the following roll call vote:

Ayes: Councilmen Grossman and Williams
Nays: None
Abstain: Councilmen Stokes and Herman
Absent: Councilman McLaughlin

UNFINISHED BUSINESS:

Councilman Herman offered the following resolution:

RESOLUTION #222-71

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

Ordinance #19-71

AN ORDINANCE PROMULGATING A CODE OF ETHICS FOR THE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF CONSTITUTING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPEALING ORDINANCE #9-70 PASSED AND ADOPTED JUNE 11, 1970.

be introduced and passed first reading and that the same be published in the Asbury Park Press on Wednesday, November 3, 1971 with the notice required by law and that the same be considered for final passage on Thursday, November 11, 1971 at 8 P.M. at Marlboro Elementary School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Stokes.

DISCUSSION: Councilman Grossman stated that it was quite obvious to him that the ordinance was designed to make sure there was no ethics protection for the people of the Township of Marlboro.

He said one of the main provisions of this ordinance is the Ethics Board which would be set up to hear complaints of ethics violations. He objected to the way this board was set up in the ordinance. He felt the appointments should be made by the Mayor with advice and consent of the Council. That it should be a governmental function not a political one. He further stated that the decisions of any charges before this board are sealed and nobody sees testimony. Also the Jaycees proposal was designed with provisions that persons owning small amounts of stock could still act on applications of an individual without any conflict of interest.

Councilman Stokes stated that it was not Council's intention to create a Board of Ethics that was a sham. He stated that Council was seeking some balance by setting up a bi-partisan board. He also said that when there is an agreement that a conflict exists that Council is forced to have a public hearing. He said it was not true that in the event of a 3-3 split vote that on one would ever see the record but that Council and the Mayor see it and if they decide they want to have a public hearing they can do so. He said he would go along with a person owning a small amount of stock retaining his post and that that person could always exercise his right to abstain.

Mayor Salkind objected to the way the Ethics Board was set up in the ordinance and he said that the subject of ethics has always called for the Boards to be named by the Chief Executive with the advice and consent of the Legislative Body and if that section on the appointments was changed he would support the ordinance. He also said he did not agree with the absence of penalty provisions for elected officials. He felt that elected officials must be held to severe penalties for their actions.

Councilman Stokes stated that he had certain misgivings about putting all the power on one side of the fence and that he was open-minded about this section and he was for sitting down and talking it over to try to reach an agreement.

Councilman Herman said he wanted to hear what the public had to say at the public hearing and that if there was substantial public feeling against this he would not be disposed to vote on it. He felt the public should have the opportunity to examine the ordinance.

Councilman Williams said that he was not happy with either proposal for the Ethics Board and that he would like to hear what the public has to say about it.

Mr. Arthur Goldzweig of the Jaycees was recognized and he said that the Jaycees had spent 40-60 hours on this one point and that it was the Jaycees unanimous opinion that the Board should be appointed by the Mayor with the advice and consent of Council.

Councilman Stokes said he wanted to be certain of protection which he did not see in the Jaycees proposal. He pointed out that the Jaycees indicated that their proposal was open to modification and that they did not consider it to be finished legislation. His personal opinion was that they had taken the best from the Jaycees ordinance and combined it with the best from the ordinance on the books and came up with something even better than any of them. He was in favor of talking it over and reaching an agreement.

Mayor Salkind said we are passing an ordinance for now, not for the future because any future body can change it. He also said that the people he would appoint would be of high caliber and very acceptable.

Councilman Grossman offered a motion to table the introduction of Ordinance #19-71 (Code of Ethics) until the regular meeting of November 11, 1971. Seconded by Councilman Stokes and carried unanimously on a roll call vote by those present.

Due to the late hour

Councilman Herman offered a motion to adjourn the meeting for one week. Seconded by Councilman Williams and after a brief discussion the motion did not carry on the following roll call vote:

Nays: Councilmen Grossman and Stokes

Ayes: Councilmen Williams and Herman

Absent: Councilman McLaughlin

Councilman Grossman offered the following resolution:

RESOLUTION #224-71

"WHEREAS, in connection with Bond Ordinance 12-71, the Township is authorized to acquire a portion of Lot No. 1, Block 3 on the Official Tax Map consisting of 1,306 square feet, more or less, on the easterly side of Lloyd Road as described in Property Parcel Map dated April 10th, 1970, prepared by Leon S. Avakian; and

WHEREAS, the Township has been unable to acquire said parcel by negotiation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to institute and conduct condemnation proceedings on behalf of the township to acquire said parcel."

Seconded by Councilman Herman.

DISCUSSION: Councilman Grossman stated that since he voted against Lloyd Road he would vote no again. Councilman Williams explained this was a condemnation of 1,306 square foot piece of land needed for the proper alignment of Lloyd Road. The resolution was adopted on the following roll call vote.

Ayes: Councilmen Herman, Williams and Stokes

Nays: Councilman Grossman

Absent: Councilman McLaughlin

NEW BUSINESS:

Councilman Stokes offered the following resolution:

RESOLUTION #225-71

"BE IT RESOLVED by the Council of the Township of Marlboro that a raffles license be issued to Robertsville Volunteer

Fire Co. #1 in accordance with RA:135 for off-premise raffles to be held December 31, 1971 at 10 P.M."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Herman offered the following resolution:

RESOLUTION # 226-71

"WHEREAS, the Board of Education of the Township of Marlboro has requisitioned \$96,780.20 in district taxes, exclusive of debt service requirements needed to meet the obligations of the Board for the next eight weeks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian of School Moneys the sum of \$96,780.20 for district taxes, exclusive of debt service, within the next thirty days in accordance with the statutes relating thereto."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Grossman offered Resolution #227-71, The Bill Paying Resolution and urged its adoption. (Copy of resolution is attached hereto and made a part of as Exhibit "B").

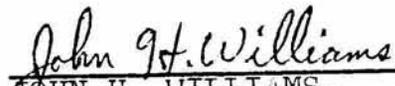
Seconded by Councilman Williams and adopted on the following roll call vote:

Ayes: Councilman Grossman and Williams
Nays: None
Absent: Councilman McLaughlin
Abstain: Councilmen Stokes and Herman

Councilman Grossman offered a motion to adjourn the meeting. Seconded by Councilman Herman and carried unanimously on a roll call vote by those present.

Meeting adjourned at 11:53 P.M.


TERESA R. ELDRIDGE,
Deputy Clerk


JOHN H. WILLIAMS,
Acting Council President

Minutes approved: 11/30/71

October 28, 1971

This Is a Reprint of The Asbury Park Press

ORDINANCE #15-71 AN ORDINANCE AMENDING ORDINANCE #11-71 KNOWN BY ITS SHORT TITLE AS "THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY", INTRODUCED AND PASSED ON FIRST READING BY THE COUNCIL OF THE TOWNSHIP OF MARLBORO ON MAY 27, 1971.

BE IT ORDAINED, by the Council of the Township of Marlboro that Ordinance #11-71, known by its short title as "The Land Subdivision Ordinance of the Township of Marlboro, Monmouth County, New Jersey" introduced and passed first reading May 27, 1971 be amended as follows:

SECTION ONE: Article IV, Section 419 is amended to read as follows: 419 SUBDIVISION - MINOR A subdivision meeting certain specified standards and for which approval as a minor subdivision has been granted by the Planning Board.

SECTION TWO: Article V, Section 501 is amended to read as follows:

501 INFORMAL DISCUSSION WITH THE PLANNING BOARD Any person who desires to subdivide land within Marlboro Township except land to be subdivided pursuant to a minor subdivision shall, prior to submitting an Application for Subdivision, appear at a regular meeting of the Planning Board, or at any other time designated by the Planning Board, for informal discussion of the proposed subdivision. It is advisable that the subdivider informally submit or have available an outline map of the property to be subdivided which includes information of similar detail and accuracy as those required for a sketch plat. During the informal discussion the proper procedure for submission of the proposed subdivision will be discussed with the subdivider, and general guidelines shall be established for the subdivider to follow in developing the plan to be depicted in the sketch plat. Particular attention shall be paid to the location of streets and open space areas, circulation, drainage and any provisions of the Master Plan or Official Map which may affect the general design of the subdivision.

SECTION THREE: Article V, Section 502.1 is amended to read as follows:

502.1 SUBMISSION OF SKETCH PLAT Filing of Sketch Plat: Any subdivider desiring to proceed with the subdivision or resubdivision of land within the Township of Marlboro, excepting a subdivision which qualifies as a minor subdivision shall file with the Municipal Clerk a translucent reproducible master copy of a sketch plat prepared in accordance with the requirements of Article VI, Section 601, of this Ordinance, together with a minimum of twenty (20) black or blue-on-white, or white-on-blue prints of the sketch plat, and together with five (5) completed application forms for sketch plat approval.

SECTION FOUR: A Section 502.5.4 (Article V) is added to read as follows:

502.5.4 Where the Planning Board finds by resolution setting forth its reasons that reports from any or all of the boards or agencies as set forth in Sections 502.4.9 to 502.4.11 inclusive and that comments and suggestions from adjoining property owners as provided for in Section 502.6 are not required for its decision on sketch plat approval, and further finds that the 45 day period set forth in Section 502.5 may be waived, the Planning Board may approve or disapprove said sketch plat upon receipt of the reports required by Sections 502.5.1, 502.5.2 and 502.5.3.

SECTION FIVE: A Section 502.8 is amended to read as follows:

502.8 Planning Board Action: The Planning Board shall act on the proposed sketch plat of a subdivision no sooner than the first regular meeting of the Planning Board following forty-five (45) days from the date of submission of the Application of Sketch Plat Approval (except where said time limit has been waived pursuant to Section 502.5.4) or no later than the third regular meeting of the Planning Board following forty-five (45) days from the date of submission of the Application for Sketch Plat Approval. The action of the Planning Board on the sketch plat of a subdivision shall be in the form of a written resolution prepared by the Planning Board Attorney and approved by a majority of the Planning Board members present at the meeting at which the resolution is considered and shall indicate one of the following actions:

SECTION SIX: Article V, Section 502.11 and 502.12 are added to read as follows:

502.11 Favorable Recommendation by Planning Board of Sketch Plat: If the Planning Board recom-

mends approval of a sketch plat, a notation to that effect shall be made on the translucent reproducible master copy of the sketch plat and shall be signed by the Chairman and Secretary of the Planning Board. The signed master copy of the sketch plat shall be submitted to and be retained by the Municipal Clerk; six (6) prints from the master copy and a copy of the Planning Board resolution shall be forwarded to the Municipal Clerk for the consideration of the Governing Body.

502.12 Action by Governing Body: The Township Council shall, by resolution, approve or disapprove the favorably recommended sketch plat not later than the second regular meeting of the Township Council following receipt from the Planning Board of the favorably recommended sketch plat for approval.

502.12.1 Approval: Approved sketch plats shall be distributed in accordance with the provisions of Article V, Section 502.13, for further compliance with Sections 504, 505 and 506 of this Article.

502.12.2 Disapproval: If the Governing Body disapproves a sketch plat, a notation to that effect shall be made on the translucent reproducible master copy and shall be signed by the Mayor and Municipal Clerk. The Municipal Clerk shall, within two weeks following the date of disapproval by the Governing Body of the favorably recommended sketch plat, send, by certified mail, addressed to the subdivider at the address given in the subdivision application, a print of the disapproved sketch plat and a copy of the Council's resolution disapproving the sketch plat. The translucent reproducible master copy, one print of the disapproved sketch plat and copies of the Planning Board and Governing Body resolutions shall be kept on file by the Municipal Clerk.

Further consideration of a disapproved sketch plat shall require resubmission of a sketch plat and subdivision application in the same manner as the original sketch plat.

SECTION SEVEN: Article V, Section 502.13 is amended to read as follows:

502.13 Distribution of Approved Sketch Plat: The Municipal Clerk shall, within two weeks following approval of a sketch plat by the Governing Body, provide for one copy each of the approved sketch plat, Planning Board resolution and Township Council resolution to be forwarded to each of the following:

- 502.13.1 Planning Board Secretary
502.13.2 Planning Board Engineer
502.13.3 Township Engineer
502.13.4 Subdivider

The Municipal Clerk shall keep on file the original application form and translucent reproducible master copy, as well as the approved translucent reproducible master copy of the approved sketch plat and one copy each of the Planning Board resolution and Township Council resolution.

SECTION EIGHT: Article V, Section 503.2 is amended to read as follows:

503.2 Filing for Application for Approval as a Minor Subdivision: Any subdivider whose subdivision meets the qualifications of Article V, Section 503.1 above, may file an Application for Approval as a Minor Subdivision in duplicate with the Municipal Clerk together with a translucent reproducible master copy of a sketch plat prepared in accordance with the requirements of Article VI, Section 601, of this Ordinance together with a minimum of ten (10) black or blue-on-white, or white-on-blue prints of the sketch plat. At the time of filing an Application for Minor Subdivision Approval the subdivider shall pay to the Municipal Clerk a fee of Twenty-five dollars (\$25) plus an additional fee of Ten dollars (\$10) for each acre or fraction thereof included with the subdivision to defray the costs of processing the application. Such fees shall be payable to the Township of Marlboro and shall be deposited by the Municipal Clerk in the same manner as other revenues by the Township.

Upon receipt of an Application for Minor Subdivision Approval and payment of the required fees the Municipal Clerk shall issue an application number. Once such a number has been issued it shall appear on all maps, plats, papers, correspondence or other documents submitted in connection with the processing of the subdivi-

Upon receipt of the required fees and documents, the Municipal Clerk shall notify the Secretary of the Planning Board of the submission of the Application for Minor Subdivision Approval and shall, within one week from the date upon which the required fees are paid, provide for the following distribution of the sketch plat and application forms:

503.2.1 Municipal Clerk: Translucent reproducible master copy of the sketch plat, two prints of the sketch plat and one application form to be kept on file.

503.2.2 Secretary of Planning Board: Two prints of the sketch plat and two application forms.

503.2.3 Chairman of the Planning Board: One print of the sketch plat and one application form.

503.2.4 Planning Board Engineer: One print of the sketch plat.

503.2.5 Municipal Utilities Authority: One print of the sketch plat.

503.2.6 Planning Consultant: One print of the sketch plat.

SECTION NINE: Article V, Sections 503.3.1, 503.3.2 and 503.3.3 are deleted.

SECTION TEN: Article V, Section 503.3 is amended to read as follows:

503.3 Planning Board Action: The Planning Board shall approve or disapprove the Application for Approval as a Minor Subdivision. If the Minor Subdivision is approved by the Planning Board, by resolution, and conditioned upon the payment of the fees specified in Section 503.5 of this Article, a notation to that effect shall be made on the translucent reproducible master copy of the sketch plat and the same shall be signed by the Mayor and Municipal Clerk. No further approval of the subdivision by any agency of the Township shall be required and the provisions of Sections 504, 505 and 506 of this Article shall be waived.

SECTION ELEVEN: Article V, Section 503.4.1 and 503.4.2 are deleted.

SECTION TWELVE: Article V, Section 503.4 is amended to read as follows:

503.4 Disapproval: If the Minor Subdivision is disapproved by the Planning Board, such disapproval shall be accompanied by a resolution of the Planning Board stating the reasons for disapproval. The disapproval action of the Planning Board shall be noted on the translucent reproducible master copy and signed by the Mayor and Municipal Clerk.

SECTION THIRTEEN: Article V, Section 503.5 is amended to read as follows:

503.5 Fees: After approval of a Minor Subdivision by the Planning Board, the subdivider shall pay to the Township of Marlboro a fee of Ten dollars (\$10) plus Ten dollars (\$10) for each lot in the approved subdivision, to defray the cost of reproducing copies of the approved translucent master copy of the approved sketch plat for distribution in accordance with Section 503.6 of this Article, and to defray the cost of making necessary changes in the Municipal Tax Maps. Until such fee is paid by the subdivider, the Municipal Clerk shall not distribute the approved sketch plat.

SECTION FOURTEEN: Article V, Section 503.6 and Sections 503.6.1 through 503.6.10 are amended to read as follows:

503.6 Distribution of Approved Minor Subdivision Plat: The Municipal Clerk shall, within two weeks following the approval of a Minor Subdivision by the Planning Board, provide for one copy of the approved plat and Planning Board resolution to be forwarded to each of the following:
503.6.1 Building Inspector
503.6.2 Planning Board Engineer
503.6.3 Tax Assessor
503.6.4 Township Engineer
503.6.5 County Planning Board
503.6.6 Subdivider
503.6.7 Other persons or agencies as may be specified by the Township Council.

The Municipal Clerk shall keep on file the approved translucent reproducible master copy of the Minor Subdivision plat, one copy of the approved Minor Subdivision plat and a copy of the Planning Board resolution.

SECTION FIFTEEN: Article V, Section 503.7 is amended to read as follows:

503.7 Recording of Subdivision: If the subdivider desires to proceed with a subdivision for which approval as a minor subdivision has been granted by the Planning Board, he shall file with the County Recording Officer either a deed drawn in compliance with Chapter 358 of the Laws of 1953 or a plat map drawn in compliance with Chapter 141 of the Laws of 1960, as amended and supplemented within ninety (90) days from the date of approval by the Planning

Board. The subdivider shall, within one week after filing or recording the subdivision with the County Recording Officer, notify, in writing, the Municipal Clerk of the date of filing of the subdivision with the County Recording Officer and the case and sheet or page number for the filed plat or deed.

In the event the subdivider fails to so file within ninety (90) days of the date of approval by the Planning Board, the approval of the plat shall expire, unless such time is extended by the Planning Board for a period not to exceed ninety days for good cause shown, and any further consideration shall require resubmission of the Application for Approval of a Minor Subdivision.

SECTION SIXTEEN: A Section 504.4.3 (Article V) is added to read as follows:

504.4.3 Where the Planning Board finds by resolution setting forth its reasons that reports from any or all of the boards or agencies as set forth in Sections 504.3.9 to 504.3.11 inclusive (except reports required by statute) are not required for its decision on tentative approval, and further finds that the 45 day period set forth in Section 504.4 may be waived, the Planning Board may approve or disapprove said preliminary plat upon receipt of the reports required by Sections 504.4.1 and 504.4.2 following the public hearing required by Section 504.5.

SECTION SEVENTEEN: Article V, Section 504.5 is amended to read as follows:

504.5 Date of Public Hearing: The Planning Board, at its first meeting following receipt of the Application for Tentative Approval of a Preliminary Plat by the Secretary of the Planning Board, shall set the date of the public hearing by the Planning Board on the preliminary plat. The public hearing shall be held on a date no later than 90 days from the date of submission of the Application for Tentative Approval of a Preliminary Plat. The Secretary of the Planning Board shall notify the subdivider of the date set for the public hearing. Such notice shall be given to the subdivider by certified mail no later than three weeks prior to the date set for the public hearing.

SECTION EIGHTEEN: Article VII, Sections 702.11 and 702.12 are amended to read as follows:

702.11 STREET LIGHTING: Street lights shall be of a type approved by resolution of the Planning Board and by the electric utility company serving the proposed subdivision; and located so as to provide a minimum lighting level of 0.5 horizontal foot candles on all local streets and 1.0 horizontal foot candles on all minor and major collector and arterial streets. The subdivider shall pay the full cost for initial installation of any street lights. After final acceptance, operation and maintenance costs shall be the responsibility of the Township.
702.12 STREET SIGNS: Street signs shall be of a type, size and legend approved by resolution of the Planning Board and shall be properly installed at each street intersection. Street signs shall be placed two per intersection, on the near right hand corner as viewed from the street which is expected to carry the greatest traffic through the intersection. Mountings shall be subject to the approval of the Planning Board. Street signs shall be placed before any certificate of occupancy for houses on the subject street are issued.

SECTION NINETEEN: Upon final adoption; this ordinance and Ordinance #11-71 as amended by this ordinance shall constitute Chapter 92 of the "Code of the Township of Marlboro, County of Monmouth and State of New Jersey". Sections may be re-numbered to conform with the structure of the Code.

SECTION TWENTY: This ordinance shall take effect on final passage, approval and publication according to law.

NOTICE

Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on August 12, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held on September 9, 1971 at Marlboro Elementary School, School Road West, Marlboro, at 8 P.M. or as soon thereafter as said matter can be reached at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

By order of the Council of the Township of Marlboro.
MILDRED F. ACKERMAN, Clerk
(\$200.32)

RESOLUTION #227-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
James R. Minogue, Esq.	Misc. Legal, August		2,000.00
Edward L. Fleischer, Esq.	Retainer, Sept.		200.00
Leon S. Avakian, Inc.	Bond Ord # 13-70	3,550.00	
	Bond Ord # 13-70	1,780.00	
	Bond Ord # 13-70	3,612.50	
	Bond Ord # 13-70	840.23	
	Bond Ord # 13-70	4,747.38	
	Bond Ord # 13-70	4,517.38	
	Bond Ord # 12-71	1,650.00	
	Bond Ord # 12-71	25,625.51	
	Retainer, August	300.00	
	Retainer, Sept.	300.00	
	Inspection, Holiday, Aug.	25.00	
	Inspection, Holiday, Sept.	53.90	47,001.90
Arnold Tanner, Attorney for Wm. Snyder	Right of way purchase, Bond Ord		700.00
N.J. Bell Telephone	536-4444, 10/1	25.98	
	536-3465, 10/1	10.25	
	431-1111, 9/19	259.46	
	462-5713, 9/26	13.80	309.49
Jersey Power & Light	#3599, 8/25-9/24	200.60	
	#5318, 8/25-9/23	45.60	246.20
Alyce Lathrop	Historical Society expenses		133.46
Bldg Officials & Code Adm.	1970 Basic Bldg. Codes		80.00
Linnett & Co.	Folders & Supplies		17.75
Allied Radio Shack	Tape Recorder		49.95
A. R. Meeker	Mimeo Supplies		379.40
Mat-Key Press	Zoning Ordinance		363.00

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Transnet Corp.	Tax Bills		1,754.58
A & A Coffee Service	Coffee Kit		24.00
Marlboro Waxing Service	Police Stat. Maint.	49.00	
	Library Maint.	22.00	71.00
Build N Save	Toilet Seat		4.45
Lester Heulitt	Bond Ins., Tx Collector		299.00
Hugh G. Boyd Assoc.	Radar Repair		38.00
Red the Tailor	Uniforms, Police		239.98
Atkinson & Smith	Repair Walkie-Talkie		30.00
Imperial Oil Co.	Drum Lube Oil		139.00
Met Life Ins. Co.	Police Insurance		152.70
Mullaney Tire Service	Tires		245.76
Mat-Key Press	Permits		31.00
Franklin's Garage	Repairs		38.30
Matty's Auto Parts	Oil, 155 Gallons	62.15	
	Cable Case	5.65	67.80
Matawan Lumber Inc.	Sand mix		1.35
Walter Heath Co.	Glo-Cones		92.40
Nu-Tone Paint Co.	Traffic Paint		37.25
Millhurst Mills Inc.	Culvert Pipe		194.56
Mechanic's Uniform Rent.	September Rental		111.60
North Jersey Equipment	Cab Pressurizer		721.25
Harry Frank	Posters		19.95
A B C Carting	Recreation		80.00
Sloan Products	Halloween Favors		78.00
Rolmor Press	Preparation for Bond 13-70		956.26
The Signature Co.	Bond Ord.13-70		26.50
Harty Poland & Sons	Appraisal, Bond Ord. 13-70		245.00
Robert Eisner, R.M.A.	Bond Ord 13-70		175.00

Total

\$ 57,355.84

0160

Offered by: *Grossman*

Ayes: 2

Seconded by: *Williams*

Nays: 0

Absent: *McLaughlin*
Abstain: *Stokes, Herman*

The above Resolution was adopted this 28th day of October, 1971.

Mildred F. Ackerman
MILDRED F. ACKERMAN, CLERK

John H. Williams
JOHN McLAUGHLIN, COUNCIL PRES.

COUNCIL OF THE TOWNSHIP OF MARLBORO

SPECIAL MEETING - NOVEMBER 5, 1971

The special meeting of the Council of the Township of Marlboro was called to order at 8:15 PM on Friday evening, November 5, 1971, at Central School, Route 79, Marlboro Township, by Mayor Morton Salkind, in accordance with the provisions of NJSA 40:69A, for the following purpose:

to consider and enact a resolution stating that the Mayor and Council of the Township of Marlboro are in opposition to the removal of any ninth grade students from Marlboro High School and that the Mayor and Council go on record as demanding that all Marlboro Township High School students continue a full four year program at the Marlboro High School.

Following a moment of silence and the salute to our flag, the roll was called:

ROLL CALL: Present: Councilmen Grossman, Herman, Stokes and Williams.
Absent: Council President McLaughlin (who was out of town on business)

Also present were Mayor Morton Salkind and Acting Clerk Joyce D'Accardi.

Councilman Herman made a motion to appoint Councilman Williams as Acting Council President, which motion was seconded by Councilman Grossman and approved on a roll call vote with Councilman Williams abstaining.

Councilman Stokes made a motion to appoint Joyce D'Accardi as Acting Clerk for this special meeting, which motion was seconded by Councilman Herman and unanimously approved on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #227A-71

"WHEREAS, the people of the Township of Marlboro wish to have all Township children continue to receive a full four-year high school program at the Marlboro High School; and

WHEREAS, any interruption in a continuous single-school program is detrimental to improved educational standards; and

WHEREAS, the capacity of the Marlboro High School can satisfactorily accommodate all students who are residents of Marlboro Township and of Colts Neck Township; and

WHEREAS, the Marlboro Township Board of Education and other municipal boards and governing bodies have expressed opposition to the proposed plan to shift freshman students to a different high school within the district,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Board of Education of the Freehold Regional High School District be informed that the Mayor and Council of the Township of Marlboro strenuously oppose any interruption in a continuous four-year program at the Marlboro High School and wish to express the demand that all Marlboro Township students be accommodated within said High School, and

BE IT FURTHER RESOLVED that the Board of Education of the Freehold Regional High School District is requested not to take any action in conflict with the above view at its meeting scheduled for Monday, November 8, 1971, and that a copy of this resolution be forwarded to the Secretary of the Board."

Seconded by Councilman Herman.

Discussion: The Mayor stated that he felt the people present at last night's PTA meeting were appalled at the attitude that exists on the part of the Board of Education of the Freehold Regional High School District and that we must have a continuous four-year educational program if standards are to be imposed and school spirit maintained. He noted that our local Board

of Education has approved a resolution in opposition to what the Freehold Regional Board proposed and said he felt that the Regional Board would be mistaken if they rush this through and that they should come up with alternatives that would not remove our freshmen. He said that it seemed wrong to adjust the whole educational program because of a problem in one of the seven districts.

The Mayor asked to have the Council caucus meeting scheduled for this Monday deferred until Tuesday, so it would not conflict with the meeting of the Freehold Regional School Board on Monday, November 8th, to which our local school board is making school buses available to the public for transportation to the meeting in Freehold. He said the buses will leave from the Marlboro Elementary School on School Road West at 7:30 P.M.

Councilman Williams agreed that there would be no problem in changing the date of the caucus meeting to Tuesday evening.

Councilman Grossman stated that this was one issue where we could unite under one banner; that this action involves the future of many people. He added that it seemed to him that the Freehold Regional High School Board was here last night just to answer questions and that their vote had already been decided. He asked that every resident that could, to go to the Monday night meeting to make their views known.

Councilman Herman noted that a year ago Marlboro was running on double sessions and we were not aided. He suggested that citizens develop petitions to present to the Regional Board, and then read the following portion of the resolution approved by our local board:

"WHEREAS, the Marlboro Township residents and members of the Board of Education are most concerned with the action of the Freehold Regional High School District Board of Education on this matter for the welfare of their district,

NOW, THEREFORE, BE IT RESOLVED that the Marlboro Township Board of Education go on record as favoring continuation of a full four-year program at the Marlboro High School for the benefit of their school district, and that, in their opinion, interruption of this newly established educational facility could

be seriously injured by shifting of any grade or number of students for any reason whatsoever excepting under extreme emergency conditions."

Councilman Williams stated that he would not vote against the resolution introduced, tonight, but felt that Council should not mingle in the business of the Board of Education.

The resolution was adopted on the following roll call vote:
Ayes: Councilmen Grossman, Herman and Stokes.
Abstain: Councilman Williams
Absent: Council Pres. McLaughlin

The resolution was read again upon request from the audience.

Councilman Williams suggested that copies of the resolution be hand delivered by one of our officials to the Secretary of the Board and to an official of each municipality.

The meeting was then opened to the public for its comments and after the public session Councilman Herman moved to adjourn the meeting. Seconded by Councilman Grossman and unanimously approved by all members present.

The meeting adjourned at 9:40 P.M.

John H. Williams
John H. Williams,
Acting Council President

Joyce D'Accardi
Joyce D'Accardi,
Acting Clerk

Minutes approved: 11/30/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF NOVEMBER 11, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Councilman Williams at 8:13 P.M. on Thursday evening, November 11, 1971 at Marlboro Elementary School, School Road West, Marlboro.

Councilman Williams asked that a moment of silence be observed in memory of the victims of the tidal wave and starvation in India and Pakistan. After the Pledge of Allegiance the roll was called.

ROLL CALL: Present: Councilmen Grossman, Herman, Stokes
and Williams
Absent: Councilman McLaughlin

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue, Clerk Mildred F. Ackerman and Deputy Clerk Teresa R. Eldridge.

A motion was offered by Councilman Herman that Councilman Williams be appointed Acting Council President for the evening in the absence of President McLaughlin. The motion was seconded by Councilman Stokes and carried with Councilman Williams abstaining.

Acting Council President Williams reviewed the agenda and asked for a motion to table the public hearing on the Codification (Ordinance #14-71). So moved by Councilman Herman, seconded by Councilman Stokes. Councilman Grossman expressed his desire to see the Codification be put off until after January 1st. The motion carried unanimously on a roll call vote by those present.

UNFINISHED BUSINESS:

Acting Council President Williams moved the order of business to Resolution #228-71 - Action Re: Ordinance #11-71 (Subdivision Ordinance).

Mayor Salkind interrupted the order of business to ask Council to invite each of the Councilmen-elect to sit at the Council table.

Acting Council President Williams said that perhaps a vote could be taken on that suggestion but that he had not been invited to sit at the Council table before taking office although he had been invited to attend caucus meetings.

Councilman Grossman offered a motion that the Councilmen-elect be invited to sit at the Council table during the meetings until they take office.

Seconded by Councilman Herman.

DISCUSSION: Councilman Stokes said he would like to know what their function would be and to what degree they would participate. Councilman Grossman and Mayor Salkind said they would participate like everyone else except that they would not vote and that they felt it was a courtesy that was good procedure. Councilman Herman asked Acting Council President Williams what his interpretation of the suggestion was. Acting Council President Williams said his interpretation was that they should not be an active part of the meetings until they take office. Councilman Stokes said there was a lot of business to transact and that they should not sit at the Council table but should be invited to attend caucus meetings.

The motion did not carry on the following roll call vote:

Ayes: Councilmen Grossman and Herman
Nays: Councilmen Stokes and Williams
Absent: Councilman McLaughlin

Councilman Grossman offered the following resolution:

RESOLUTION #228-71

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

Ordinance #11-71

AN ORDINANCE TO AMEND IN ITS ENTIRETY AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING RULES, REGULATIONS, AND STANDARDS GOVERNING THE SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, PURSUANT TO THE AUTHORITY SET FORTH IN CHAPTER 433 OF THE LAWS OF 1953, AND AMENDMENTS AND SUPPLEMENTS THERE TO: SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING BOARD AND THE GOVERNING BODY, IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS AND STANDARDS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF," known by its short title as "THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY"

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Herman.

DISCUSSION: Councilman Grossman said he felt this ordinance should not be voted on as the basic philosophy of the ordinance was not conducive to bringing industry into the town; that too many amendments would have to be made especially on procedure and that the suggestion to amend is not conducive to good government.

Councilman Stokes stated that a lot of work had gone into this ordinance; he felt that it did not require a substantial number of amendments and that the standards set down are an improvement over what we now have and are needed. He further stated that he disagreed that this ordinance will impede industry and that he would like to see it passed to provide protection now and have a base to work from.

Councilman Grossman said if it is passed it will be rescinded. He wanted this action tabled until January 1st.

Mayor Salkind stated that he will veto the ordinance if passed as it would inhibit the bringing in of industry.

The Chair declared a recess at 9:08 P.M. During the recess the Mayor introduced Mr. John Tergis, Marlboro's representative to the Freehold Regional Board of Education, who asked for a few moments in order that he might clarify the way he voted on the redistricting motion made at the Regional Board of Education meeting on November 8, 1971. He explained that the main motion made was to have all students next year attend the schools in the attendance areas which are in effect now with the exception of certain of the 9th graders in Howell and Freehold Townships and the 9th graders from the Borough who would attend the school in Freehold Borough for one year due to anticipated overcrowding in Howell and the Freehold Township schools. The motion specifically read that all Marlboro and Colts Neck students grades 9 - 12 would attend the Marlboro High School. A motion was made to table the main motion. He said he voted no on the motion to table because he wanted to vote on the main motion which he favored. Mr. Tergis said he wanted to assure the Marlboro residents that he was voting to retain Marlboro students grades 9 - 12 in Marlboro High School. He said it was an intense problem and he would like to discuss it thoroughly with the Mayor, Council President McLaughlin, Council Members Elect of Council and the people of Marlboro.

The Chair called the meeting back to order at 9:36 P.M.

Councilman Herman moved to table Resolution #228-71 re: Ordinance #11-71 (Subdivision) and Resolution #229-71 re: Ordinance #15-71 (Subdivision amendment) simultaneously until the first Council meeting in January.

Seconded by Councilman Grossman.

DISCUSSION: Mayor Salkind and Councilman Grossman expressed their pleasure with this action. Councilman Herman said this was a good ordinance, a needed ordinance and that it strengthened the present subdivision ordinance. He said the reason for tabling was that it was the stated intent of the Council-elect that they wanted to make changes procedurally, not necessarily qualitatively. The possibility of enactment at this time could be counter-productive.

Councilman Stokes stated that he thought this a good ordinance, a substantial improvement over what we now have and that the Council-elect impressed him in that they feel the performance standards are good. If they enact those standards as fast as possible after January 1st we will get the best of this ordinance on the books.

Councilman Grossman stated that the basic changes will be in the procedural area. Councilman Williams said that his views agree with Councilman Herman's. The motion thereafter carried unanimously on a roll call vote by those present.

Councilman Stokes offered the following resolution:

RESOLUTION #230-71

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

Ordinance #19-71

AN ORDINANCE PROMULGATING A CODE OF ETHICS FOR THE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF CONSTITUTING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPEALING ORDINANCE #9-70 PASSED AND APPROVED JUNE 11, 1970.

be introduced and passed first reading and that the same be published in the Asbury Park Press on Thursday, November 18, 1971, with the notice required by law and that the same be considered for final passage on Tuesday, November 30, 1971 at Marlboro Elementary School, Marlboro Township, at which time all persons interested will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Grossman.

DISCUSSION: Mayor Salkind explained that the ordinance was modified to meet the objections expressed at the last meeting. He further explained that the appointments to the Ethics Board are to be made by the Mayor with advice and consent of Council with basic terms of five years on a staggered basis. Councilman Herman said he assumed that the Mayor would come up with a bi-partisan body. The Mayor replied that it was his intent to come up with a non-partisan board. The resolution was thereafter adopted unanimously on a roll call vote by those present.

At this point in the meeting the Mayor said he wished to speak on a serious subject not on the agenda. He said that for years zoning has been a major political issue and that the major attacks on zoning that have taken place in the area will have a great influence on what the future of Marlboro Township is going to be. He said the courts are making decisions all around us that will affect our future. He referred to the Madison Township case, Oakwood at Madison Inc. vs. the Township of Madison and the State of New Jersey, decided by Judge Furman at the lower court level that seems to be a case of importance. He said Marlboro cannot ignore the ramifications of this case. He asked that Council pass a resolution authorizing the Township Attorney to enter into this case on its appeal formally on the part of Madison Township for the Township of Marlboro

to file the necessary briefs and to become a party to this action.

Councilman Grossman offered a motion that the Township attorney be authorized to file the necessary motion with the Appellate Division to be allowed to enter into the case of Oakwood at Madison Inc. et al versus the Township of Madison and the State of New Jersey as amicus curiae -friend of the court - on behalf of this Township and on behalf of the defendants in an attempt to overturn the decision of Judge Furman. Seconded by Councilman Herman and after a brief discussion the motion carried ~~on a roll call~~ ^{unanimously} vote by those present.

Grossman
Councilman/offered the following resolution and urged its adoption:

RESOLUTION #231-71

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

Ordinance #20-71

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO
ESTABLISHING SPEED LIMITS ALONG TEXAS ROAD

be introduced and passed first reading and that the same be published in the Asbury Park Press on Thursday, November 18, 1971 with the notice required by law and that the same be considered for final passage on Tuesday, November 30, 1971 at 8 P.M. at Marlboro Elementary School, Marlboro Township, at which time all persons interested therein will be given an opportunity to be heard concerning said ordinance."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

Councilman Herman offered the following resolution:

RESOLUTION #232-71

"BE IT RESOLVED by the Council of the Township of Marlboro that Ewald Wallace be appointed to the Zoning Board of Adjustment to fill the vacancy created by the resignation of David F. Stokes."

Seconded by Acting Council President Williams.

DISCUSSION: Councilman Grossman said he felt an appointment of this kind should be left for the newly elected Councilmen to make. Councilman Stokes stated that he could not agree with Councilman Grossman; that this is an appointment of a continuing

term and therefore is a Republican appointment. Acting Council President Williams said that he thought Mr. Wallace would be a good member of the board.

The resolution was thereafter adopted on the following roll call vote:

Ayes: Councilmen Herman and Williams
Nays: Councilman Grossman
Absent: Councilman McLaughlin
Abstain: Councilman Stokes

Councilman Stokes offered the following resolution:

RESOLUTION #233-71

"WHEREAS, Title VII of the Housing Act of 1961, as amended, provides for the making of grants by the Secretary of Housing and Urban Development to States and local public bodies to assist them in the acquisition and development of permanent interest in land for open-space uses where such assistance is needed for carrying out a unified or officially coordinated program for the provision and development of open-space land as part of the comprehensively planned development of the urban area; and

WHEREAS, the Township of Marlboro (herein sometimes referred to as "Applicant") desires to acquire legal title in fee simple to certain land in the Township of Marlboro known as Block 26, Lot 23 on the Official Tax Map of the Township of Marlboro containing 13.6 acres located on the southwest corner of Lloyd Road and Nolan Road, being vacant and undeveloped, which land is to be held and used for permanent open-space land for park and recreation purposes; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Housing and Urban Development effectuating that Title, provide that no person shall be discriminated against because of race, color, or national origin in the use of the land acquired and/or developed and

WHEREAS, it is recognized that the contract for Federal grant will impose certain obligations and responsibilities upon the Applicant and will require among other things (1) assurances that families and individuals displaced as a result of the open-space land project are offered decent, safe, and sanitary housing, (2) compliance with Federal labor standards, and (3) compliance with Federal requirements relating to equal employment opportunity; and

WHEREAS, it is estimated that the cost of acquiring said interest will be \$51,800.00;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF MARLBORO:

1. That an application be made to the Department of

Housing and Urban Development for a grant in an amount authorized by Title VII of the Housing Act of 1961, as amended, which amount is presently estimated to be \$26,500.00 and that the Applicant will pay the balance of the cost from other funds available to it.

2. That the Township Attorney is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development, to provide additional information and to furnish such documents as may be required by said Department, to execute such contracts as are required by said Department, and to act as the authorized correspondent of the Applicant.

3. That the proposed acquisition and development is in accordance with plans for the allocation of land for open-space uses, and that, should said grant be made, the Applicant will acquire, develop, and retain said land for the use designated in said application and approved by the Department of Housing and Urban Development.

4. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Applicant with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

BE IT FURTHER RESOLVED that it is hereby determined that the fair market value of the subject property is \$51,800.00."

Seconded by Councilman Herman and adopted on the following roll call vote:

Ayes: Councilmen Stokes, Herman, and Williams

Nays: None

Absent: Councilman McLaughlin

(Councilman Grossman was not present at the roll call vote)

Mayor Salkind announced that radar is going to be used on Route 79, Morganville to cut down on the speeding in that area.

Councilman Herman offered the following resolution:

RESOLUTION #234-71

"WHEREAS, on November 3, 1971, bids were received in the Municipal Office for the Reconstruction of Lloyd Road, and

WHEREAS, the Township Engineer has reported that Cardell, Inc. of Keasbey, N.J. was the low bidder and has recommended that the contract be awarded to Cardell, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that a contract be awarded to Cardell, Inc. of Keasbey, N.J. for the Reconstruction of Lloyd Road in the amount of \$342,782.35;

BE IT FURTHER RESOLVED that the Council President and the Clerk be and they are hereby authorized to execute a contract with Cardell, Inc. pursuant to said bid and that upon execution of said contract and the furnishing of a bond that certified checks of other bidders be returned."

Seconded by Councilman Stokes.

DISCUSSION: Councilman Grossman asked Mr. Minogue why the Council President is to sign this resolution. Mr. Minogue replied that it could be either way. Acting Council President Williams stated that it was the belief of the members of Council that if the resolution was passed the Mayor would not sign it. Mr. Minogue stated that it was only a ministerial act and any authorized official could sign it.

Councilman Grossman quoted from Resolution #134-71, item 5 and he maintained that pursuant to that resolution the opening of bids was illegal. He also called attention to N.J. Statute 2A:135-6 and said this ruling had been violated and the whole thing would have to be re-bid.

The Chair called a five minute recess. The meeting was called back to order at 10:45 P.M.

The Chair asked for a motion to table Resolution #234-71; so moved by Councilman Herman and seconded by Councilman Stokes.

DISCUSSION: Acting Council President Williams asked Mr. Minogue to give a brief run down of the discussion during the recess. Mr. Minogue said that the question is to correct procedure in receiving the bids. There were two complaints raised by Councilman Grossman, one being the appointment of the Business Administrator to receive the bids as per the resolution adopted in June and the other was the apparent failure to notify each member of the Council in writing the date of the receipt of the bids. The problem is there was no Business Administrator at the time the bids were received, there was one in June, the plans went to the State, they came back and the contract was advertised pursuant to the same resolution adopted in June. There is no acting Business Administrator either so the bids were received by the engineer and with Councilman Williams present. He advised Council that it would be wise to re-advertise. The motion thereafter carried unanimously on a roll call vote by those present.

Councilman Stokes offered the following resolution:

RESOLUTION #235-71

"WHEREAS, the Marlboro Township Municipal Utilities Authority acquired premises known as Block 33, Lot 26 on October 5th, 1970; and

WHEREAS, property owned by said Marlboro Township Municipal Utilities Authority is exempt from local taxation; and

WHEREAS, said property was assessed for the tax year of 1971 and the Authority has been billed for 1971 taxes in the amount of \$305.67; and

WHEREAS, the Authority should have been exempt from the payment of taxes for the tax year of 1971,

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the aforesaid amount due from the Marlboro Township Municipal Utilities Authority for the year 1971 in the amount of \$305.67 be and the same is hereby cancelled together with any accrued interest."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #236-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township enter into a contract in the amount of \$815.00 with Robert J. Levy and Evelyn H. Levy, husband and wife, for the conveyance of right of way to the Township for the widening of School Road West known as Parcel 3, being part of Lot 1, Block 88, in connection with Bond Ordinance #13-70."

Seconded by Councilman Stokes and adopted unanimously on a roll call vote by those present.

Councilman Herman offered the following resolution:

RESOLUTION #237-71

"WHEREAS, the Township has determined to acquire additional right of way along School Road West for the widening of same pursuant to a map prepared by Leon S. Avakian, Inc. entitled "General Property Parcel Map, Showing Parcels to be Acquired Along School Road West, Marlboro Township, Monmouth County, New Jersey" dated December 22nd, 1970; and

WHEREAS, the Township has been negotiating with Carmine LoManto and Gloria LoManto, the owners of premises known as Block 81-1, Lot 5 for the purchase of Parcel 13 as shown on said map; and

WHEREAS, the Township has been unable to acquire said Parcel 13 by negotiation;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to institute a condemnation action in the Superior Court against the above owners and any other parties in interest in order to acquire Parcel 13 as shown on said map."

Seconded by Councilman Stokes and adopted unanimously on a roll call vote by those present.

Councilman Stokes offered the following resolution:

RESOLUTION #238-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the second regularly scheduled meeting date in November be changed from Thursday, November 25th, Thanksgiving Day, to Tuesday, November 30th, 1971 at 8 P.M. at Marlboro Elementary School."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #239-71

"WHEREAS, the Planning Board on December 4th, 1970 approved a minor subdivision application number PB 70-33 for James and Gertha Pitts for property known as Block 12, Lot 27 subject to a variance from the Zoning Board of Adjustment and receipt of a deed of easement along Texas Road for road widening; and

WHEREAS, the present zoning ordinance has been adopted since said approval and said variance is no longer required; and

WHEREAS, the Township has received a duly executed deed of easement and right of way for the widening of Texas Road a distance of 15 feet in front of Block 12, Lot 27;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that minor subdivision of James and Gertha Pitts on the above property as shown on map entitled "Survey of Property for James O. and Gertha M. Pitts situated in Marlboro Township, Monmouth County, New Jersey, dated June 5th, 1970" made by H. Thomas Carr, Perth Amboy, New Jersey, be and the same is hereby approved."

Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

The Chair said that a request had been made by the applicants to defer action on Resolution #240-71 and #241-71 until the next Council meeting and asked for a motion to that effect.

The Mayor spoke regarding the Emmons Subdivision (Resolution #241-71) and read a letter from Mr. Bernard Chodos of U.S. Home & Development Corp. dated November 11, 1971 addressed to the Mayor and Council requesting an independent engineer's report.

After a discussion by the Mayor and Council as to whether or not action on the U.S. Homes - Emmons application should be deferred, Councilman Herman offered the following resolution.

RESOLUTION #241-71

"WHEREAS, the Planning Board on September 2, 1971 granted tentative approval of a major subdivision by U.S. Home and Development Corp. as shown on map entitled, "Preliminary Plan for B. Emmons, Tax Map Sheet 16, Block 65, Par. 20" made by Stanley B. Peters, Engineer, dated May, 1971; and

WHEREAS, the Council has reviewed the proposed Preliminary Plan and has considered a report from Leon S. Avakian, Township Engineer, dated October 7, 1971; and

WHEREAS, structures proposed to be built upon Lots 1 and 2 would lie less than 100 feet from the top of the bank of a stream contrary to the Township Zoning Ordinance; and

WHEREAS, the subdivider has not provided for the establishment of encroachment lines for Barclay Brook through the Division of Water Resources of the Department of Environmental Protection in view of the construction of a proposed roadway immediately adjacent to said brook;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the aforesaid application for tentative approval of Preliminary Plan of B. Emmons, being Planning Board Application 71-51, be and the same is hereby denied."

Seconded by Acting Council President Williams.

DISCUSSION:

Councilman Grossman argued that this should be referred to the Zoning Board, that it should be subject to a variance. Mr. Minogue replied that it is not good planning to permit construction on this type of lot. Councilman Herman said Council's intent was implied in the second paragraph of the resolution. Mr. Minogue stated that Council is not compelled to approve a subdivision subject to a variance if a subdivision does not meet the zoning and that there is no application now for a structure, there is nothing for them to file a variance on.

Councilman Grossman made a motion that action be tabled pending a report by an independent engineer as to any other problems besides variance problems.

Seconded by Councilman Williams.

Acting Council President then read a letter from the office of Township Engineer, Leon S. Avakian under date of October 7, 1971 setting forth his objections & recommendations with regards to B. Emmons Subdivision. After a brief discussion the motion did not carry on the following roll call vote:

Ayes: Councilman Grossman
Nays: Councilmen Stokes, Herman and Williams
Absent: Councilman McLaughlin

After further discussion by Councilmen Williams, Herman and Grossman regarding the objections to the subdivision,

Councilman Grossman offered the following amendment to the resolution; "WHEREAS, the Council of the Township of Marlboro is fearful of erosion problems with respect to Barclay Brook cutting into the embankment and possibly imperiling any structures to be built on these two lots;"

The motion died for a lack of a second.

The Resolution as offered was thereafter adopted on the following roll call vote:

Abstain: Councilman Grossman
Ayes: Councilmen Williams, Stokes, and Herman
Nays: None
Absent: Councilman McLaughlin

Resolutions #240-71 and 242-71 were not offered.

The Chair moved the order of business to the Bill Paying Resolution #243-71 (copy of which is attached and made a part hereof) which was offered by Councilman Stokes. Seconded by Councilman Herman and adopted unanimously on a roll call vote by those present.

MAYOR'S REPORT:

The Mayor announced the report of moneys in the General Fund. He acknowledged receipt of the Municipal Court report for October and the Road Division Report of October 18 to October 31, 1971.

He spoke of the Airport hearing in Municipal Court the previous Saturday. He said that there will be two additional legal appointments to be made next year-that of the Municipal Prosecutor and a Public Defender at the request of the Administrator of the Courts.

Township Attorney James R. Minogue read the following resolution:

RESOLUTION #244-71

"WHEREAS, bids for the reconstruction of Lloyd Road were received on November 3, 1971 pursuant to Resolution #134-71; and

WHEREAS, said resolution provided for the receipt of said bids by the Business Administrator; and

WHEREAS, at the time said bids were received the office of Business Administrator was vacant and no acting Business Administrator had been appointed to receive said bids which were received by the Township Engineer; and

WHEREAS, paragraph 5 of said resolution provided that the members of the governing body were to be notified in writing of the date and hour for the receipt of bids; and

RESOLUTION #243-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
James R. Minogue	Kosene vs. Marlboro	2,110.00	
	Marlboro Imp. vs Marlboro	2,000.00	4,110.00
Leon S. Avakian, Inc.	Tax Maps	36.00	
	Insp. U.S. Homes, Aug	1,404.30	
	Insp. Levitt, Aug.	1,367.65	2,807.95
Harty Poland & Sons, Inc.	Appraisal, Bond Ord. 13-70		245.00
North American Appraisal	Revaluation, Bond Ord. 1-70		7,566.00
N.J. Natural Gas Co.	4978, 9/17-10/18	3.47	
	4990, 9/17-10/18	3.69	7.16
N.J. Bell Telephone	431-9749, Coin Phone		14.65
Jersey Central Power	Street Lighting		2,667.98
N.J. Realty Title Ins. Co.	Tax Foreclosure Searches		225.00 255.00
N.J. Conference of Mayors	Registration for ten		75.00
Mat-Key Press Inc.	Maps		50.00
A.R. Meeker Co.	Mimeo		42.00
Linnett & Co.	Tape and Supplies		27.99
A & A Coffee Service	Coffee Kit		24.00
Marlboro Waxing Service	Janitorial Service, Sept. Police	34.50	
	Janitorial Service, Sept. Library	22.00	56.50
Xerox Corporation	Usage October	299.07	
	Toner	58.00	357.07
Mullaney Tire Service	Four Tires		105.38
Base Automotive Supply	Calibration, five cars		50.00
Scrub-A-Dub Car Wash	August		33.75

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Joseph A. Mazzeo	Repair Radio Base Sta. Repair Radio	70.00 52.00	122.00
Walter Heath Co. Inc.	Fingerprint Magnifier Fuses	14.00 60.00	74.00
McCormick's Garage	Fuel Pump Install Camshaft	54.40 158.14	212.54
Stadium Auto Wreckers	Chrysler Motor		200.00
Bayshore Stationers, Inc.	Record Book and Supplies		52.56
Sprague's Oil Service	Gas, Sept. Streets & Rds. Fuel Oil, Sept. Streets & Rds Gas, Sept. Police	330.37 38.60 1,101.70	1,470.67
Alfred L. Storer	Dumping Trash, Clean-up		255.00
Cherefko Inc.	Revolving Lights		302.80
R.E. Sargent	Traffic Lines		258.66
Colonial News	Recreation Ad		14.00
Freehold Picture Corp.	Rental 2 Theatres		175.00
Alfred L. Storer	August Dumping, and October		400.00
W & W Laboratories	Analysis of Water Sample		300.00
Harry Frank- Printer	Applications for Bd of Health		43.75
Bayshore Comm. Hospital	Donation		10,000.00
Total			\$ 32,346.41

Offered by: *Stokes*

Ayes: *4*

Seconded by: *Herman*

Nays: *0*

Absent: *McLaughlin*

The above resolution was adopted this 11th day of November, 1971.

Mildred D. Ackerman
MILDRED F. ACKERMAN, CLERK

John H. Williams
JOHN McLAUGHLIN, COUNCIL PRES.
John H. Williams, Acting Council Pres.

WHEREAS, the members of the governing body were not so notified; and

WHEREAS, by reason of the above, there is a serious question as to whether proper bidding procedures were followed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro as follows;

1. That the bids for reconstruction of Lloyd Road submitted by Cardell, Inc., Stavola Contracting Co., Inc., C. J. Hesse, Inc. and Manzo Contracting Co. on November 3, 1971 be and the same are hereby rejected.

2. That the Township Clerk is hereby directed to readvertise for bids for the project in the Asbury Park Press no later than November 17, 1971 for the receipt of bids at 10 A.M. on December 7, 1971 at the Marlboro Township Municipal Building, which bids shall be received and opened by a Committee, which is hereby appointed, consisting of the Township Clerk, Township Engineer and Councilman John H. Williams.

3. That the advertisement set forth in resolution #134-71 shall be used by the Clerk except that said advertisement shall provide for this receipt of said bids by said Committee and that bid envelopes shall be addressed to the Township Clerk."

The Resolution was so offered by Councilman Stokes and seconded by Councilman Herman.

DISCUSSION: Councilman Herman said bids were duly received etc., now we are readvertising these bids which will put the low bidder at a disadvantage. He wanted to know if Council was in any legal jeopardy with this action. Mr. Minogue replied that he was satisfied the procedure was substantially correct. After a brief continuing discussion by Council, Township Attorney Minogue and Mayor Salkind as to the legal jeopardy of this action the resolution was adopted on the following roll call vote:

Ayes: Councilmen Stokes, Herman and Williams
Nays: Councilman Grossman
Absent: Councilman McLaughlin

Councilman Herman stated that he is in opposition to the policy of the Board of Education setting deadlines for the meetings at which Township business is conducted. He said that Council meetings sometimes out of necessity will run long and cannot be run by a stop-watch. He invited the Councilmen-elect to the future caucus meetings in order to attain a smooth continuity.

November 11, 1971

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After a very brief public session a motion to adjourn the meeting was made by Councilman Grossman, seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

The meeting adjourned at 12:10 P.M.

Teresa R. Eldridge
Teresa R. Eldridge
deputy clerk

John H. Williams
John H. Williams, Acting
Council President

Minutes approved: 11/30/71

November 11, 1971

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COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF NOVEMBER 30, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President John J. McLaughlin at 8:13 P.M. on Thursday, November 30, 1971 at Marlboro Elementary School, School Road West, Marlboro.

Council President McLaughlin led the Pledge of Allegiance to our Flag and then the roll was called.

ROLL CALL: Present: Councilmen Grossman, Williams, Stokes
and McLaughlin
Absent: Councilman Herman

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue, Clerk Mildred F. Ackerman and Deputy Clerk Teresa R. Eldridge.

Council President McLaughlin reviewed the agenda and then declared the public hearing on Ordinance #19-71 open.

PUBLIC HEARING: Ordinance #19-71 - AN ORDINANCE
PROMULGATING A CODE OF ETHICS FOR THE
OFFICIALS AND EMPLOYEES OF THE TOWNSHIP
OF MARLBORO, IN THE COUNTY OF MONMOUTH
AND STATE OF NEW JERSEY, AND PROVIDING
PENALTIES FOR THE VIOLATION THEREOF
CONSTITUTING CHAPTER 21 OF THE CODE OF
THE TOWNSHIP OF MARLBORO AND REPEALING
ORDINANCE 9-70 PASSED AND APPROVED
JUNE 11, 1970"

Reprints of the ordinance were available to the public. A copy of the Ordinance is attached hereto as Exhibit "A".

Mr. Marty Gitten, 33 Millay Road, Morganville said that as the past President of the Marlboro Township Jaycees he was very glad to see the ordinance up for adoption; that he was pleased with the inclusion of a Review Board. He said he disagreed with Section 6, Part A, that the public has the right to know if an official has an interest on a bill. He further stated he foresaw a problem with regard to Section 11, Part E, in that if the Review Board does not come up with an affirmative vote the confidential information does not become public knowledge and that the public has a right to the information.

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Mr. Martin Powers, 34 Halifax Drive, Morganville asked for a definition of "Official Body" referred to in Section 1. He said that Section 8, B would be difficult to enforce especially if a person is a minor official of a corporation. He said that the setting up of a public hearing before Council referred to in Section 12, C & D was not necessary at that point in time, and that in Section 13, B3 the 10% interest in stock was too high, that he would like to see it at 5%.

Mr. Gitten referred to Section 8 saying that the intent of this was to stop someone applying before a board or agency from taking advantage of a former position on said board.

A brief discussion ensued during which it was brought out that this section was very broad and would be legally unforceable.

Mr. Powers requested that the 10% in Section 13, B4 also be reduced to 5%.

As no one further wished to be heard the Chair declared the public hearing on Ordinance #19-71 closed and called for a short recess.

At 8:52 P.M. the meeting was called back to order and the Chair said Council would hold off action on Resolution #245-71 until later.

The Chair then declared the public hearing on Ordinance #20-71 open.

PUBLIC HEARING: Ordinance #20-71 -"AN ORDINANCE OF THE TOWNSHIP OF MARLBORO ESTABLISHING SPEED LIMITS ALONG TEXAS ROAD"

Reprints of the ordinance were available to the public. A copy of the ordinance is attached hereto as Exhibit "B".

Mr. Charles Smith, 264 Greenwood Road, Morganville asked what the speed limits will be on Texas Road.

Mr. James Denton, Tennent Road, Morganville said the speed limit was too high and asked if we have to abide by the state survey, could the ordinance read 35 or 30 miles per hour.

Mrs. Mary Denton, Tennent Road, Morganville suggested that the ordinance not be passed, that the built up area should be at 25 miles per hour and should be posted so.

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Mrs. Helen Davis, Texas Road, Morganville said that proper speed limits should be set but she also urged that parents exercise some control to keep the children from playing in the streets.

As no one else wished to speak on the ordinance the Chair declared the public hearing on Ordinance #20-71 closed.

Mayor Salkind asked that the ordinance be voted down and not tabled. Council President McLaughlin said maybe our Township Police could take a survey and enforce a lower speed.

Councilman Grossman offered the following resolution:

RESOLUTION #246-71

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

Ordinance #20-71

"AN ORDINANCE OF THE TOWNSHIP OF MARLBORO
ESTABLISHING SPEED LIMITS ALONG TEXAS ROAD"

be adopted on second and final reading and notice of the passage thereof shall be advertised according to law."

Seconded by Councilman Williams.

DISCUSSION: Councilman Williams stated that under the circumstances the sensible action would be to vote the ordinance down. Councilman Grossman said that this was the value of the public hearing, to enable Council to hear the views of the people in an area. Councilman Stokes asked If Zone 2 could be eliminated from the ordinance. Mr. Minogue replied that the ordinance could not be passed piecemeal as it required prior approval by the State. The resolution was thereafter voted down on the following roll call vote:

Ayes: None

Nays: Councilmen Grossman, Williams, Stokes and McLaughlin

Absent: Councilman Herman

UNFINISHED BUSINESS: Resolution #247-71 was not offered.

Councilman Stokes offered the following resolution:

RESOLUTION #248-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township enter into a contract in the amount of \$425.00 with Edward Perkowski et ux for the conveyance of right of way to the Township for the widening of School Road West, being part of Block 90, Lot 3 on the Tax Map and known as parcel No. 6 in connection with Bond Ordinance #13-70."

Seconded by Councilman Grossman and after a brief discussion was adopted unanimously on a roll call vote by those present.

NEW BUSINESS:

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #249-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township Attorney be and he is hereby authorized to defend the township in a suit brought in the Superior Court of New Jersey, Law Division, Monmouth County, by Cardell, Inc., a corporation of the State of New Jersey."

Seconded by Councilman Williams and after a brief discussion with regards to the suit the resolution was adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #250-71

"WHEREAS, First Savings and Loan Association of Perth Amboy has paid taxes twice for fourth quarter of 1971 on Block 13, Lot 12 in the amount of \$325.02;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount \$325.02 as above be returned to First Savings and Loan Association of Perth Amboy."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present.

Councilman Stokes offered the following resolution:

RESOLUTION #251-71

"WHEREAS, the attached list of owners have overpaid their 1971 taxes due to Monmouth County Tax Board appeals in the amount of \$10,631.75;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, that the amounts as listed be returned to the property owners."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote by those present. (Note: attached list of owners set forth as Exhibit "C").

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #252-71

"WHEREAS, on November 7, 1967, Joseph A. and Jean T. Mazzeo, owners of Block 80-3, Lot 4, paid taxes amounting to

\$50.00, which payment was recorded at page 85 of the Cash Book of Tax Collector on November 10, 1967, and was posted incorrectly to Block 80-4, Lot 6, assessed to Silvermint Homes; and

WHEREAS, on December 14, 1968 said Mazzeo property, Block 80-3, Lot 4, was erroneously sold at tax sale, Tax Sale Certificate #68-31 for the amount of \$50.00 plus interest and costs, totaling \$63.75;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that Tax Sale Certificate #68-31 in the amount of \$63.75 be and the same is hereby cancelled of record."

Seconded by Councilman Stokes and adopted unanimously on a roll call vote by those present.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #253-71

"WHEREAS, due to a Judgment by the Division of Tax Appeals, the American Oil Company, Block 65, Lot 29, have overpaid 1971 taxes in the amount of \$1169.18:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$1168.18 be returned to American Oil Company."

Seconded by Councilman Stokes and adopted unanimously on roll call vote by those present.

Councilman Stokes offered the following resolution:

RESOLUTION #254-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the following budget transfers be made in the 1971 budget:

FROM:

Industrial Commission O.E.	\$ 2,400.00	
Streets & Roads O.E.	3,941.00	
Board of Recreation Commissioners S & W	3,000.00	
Summer Youth Activities S & W	1,984.00	
Total.....		\$11,325.00

TO:

Administrative & Executive O.E.	\$ 4,000.00	
Police O.E.	4,000.00	
Inspection of Building O.E.	175.00	
Board of Recreation O.E.	3,000.00	
Public Assistance S & W	150.00	
Total.....		\$11,325.00

Seconded by Councilman Williams and after a brief discussion the resolution was adopted unanimously on a roll call vote by those present.

Councilman Grossman offered Resolution #255-71, the Bill Paying Resolution and urged its adoption (copy of same is attached as Exhibit D). Seconded by Councilman Williams and adopted unanimously on a roll call vote by those present.

Clerk Mildred F. Ackerman read the following resolution which was offered by Councilman Grossman:

RESOLUTION #245-71

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

Ordinance #19-71

"AN ORDINANCE PROMULGATING A CODE OF ETHICS FOR THE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF CONSTITUTING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPEALING ORDINANCE 9-70 PASSED AND APPROVED JUNE 11, 1970"

be adopted on second and final reading with the following amendments:

1. Section 8 is deleted in its entirety.
2. Section 13B (1) is amended to require sources of income for the past one (1) year instead of five (5) years.

BE IT FURTHER RESOLVED that passage of the said ordinance shall be advertised according to law."

Seconded by Councilman Stokes.

DISCUSSION: Councilman Grossman explained to Mr. Powers that his point on investment percentages was well taken but to make that change the ordinance would have to be readvertised. Councilman Williams said he thought the ordinance was a good one. Council President McLaughlin said the ordinance covers many things and it behooves every citizen of the town to take an interest. The resolution was thereafter adopted on a unanimous roll call vote by those present.

Mayor Salkind publically signed Ordinance #19-71.

APPROVAL OR CORRECTION AND APPROVAL OF MINUTES:

The Chair asked for a motion to accept the minutes of September 23, 1971, so moved by Councilman Williams, seconded by Councilman Grossman and carried unanimously on a roll call vote by those present.

Councilman Stokes made a motion to accept the minutes of October 14, 1971, seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

Councilman Grossman made a motion to accept the minutes of October 18, 1971, continued meeting, seconded by Councilman Stokes and carried unanimously on a roll call vote by those present.

Councilman Grossman made a motion to accept the minutes of October 28, 1971, seconded by Councilman Stokes and carried on a roll call vote by those present with Council President McLaughlin abstaining.

Councilman Stokes made a motion to accept the minutes of November 5, 1971, special meeting, seconded by Councilman Grossman and carried on a roll call vote by those present with Council President McLaughlin abstaining.

Councilman Williams made a motion to accept the minutes of November 11, 1971, seconded by Councilman Grossman and carried on a roll call vote by those present with Council President McLaughlin abstaining.

COMMUNICATIONS AND PETITIONS:

1. Received November 19, 1971 Order to Show Cause in Civil Action, Cardell Inc. vs. Township of Marlboro.
2. Letter dated November 22, 1971 from U. S. Home Corporation with regard to Halifax, Sudbury & Prince William Roads.
3. Receipt of communication from Commissioner of Transportation, John C. Kohl with reference to the availability of excess land parcels in connection with Route 18.
4. Letter and copy of resolution from Freehold Township dated November 17, 1971 with regard to the use of the County equipment to paint road reflection stripes.

MAYOR'S REPORT:

Mayor Salkind announced that he expects to have a formal meeting with the Department of Transportation in Trenton later in December with regard to Route 18.

He said a summons has been issued to Hess (Rt. 18) answerable in Municipal Court with regard to the burning of trees.

Reported that he has asked the Police Department to expand Community Relations Program and will probably start a program in recognition of Civic Activities through the Police Dept.

He said that part of his New Year's message will propose a complete restructure of the Administrative Code, a complete

reorganization of departments and a complete reslanting of activities. He commented that the Councilmen-elect are taking a course at Rutgers for newly elected officials. He said part of his recommendation will be for a Department of Law and a Department of Engineering. He stated that he expects to be able to make a nomination for the Judge of Marlboro Township at the second meeting in December.

The Mayor thanked the Council for their attitude of cooperation, hard work and concern. He announced that the Council-elect will support Councilman Grossman for president of the Council in '72. He thanked the people in government who served this administration.

Councilman Williams spoke with regard to the Mayor's comments of the issuance of a summons to Hess (Rt.18) for the open burning of trees for the Route 18 clearance and he suggested to the Mayor that Hesse be requested to consider an alternative method of disposing of the trees, i.e.: that trees could be cut up for fireplace wood or run through a chipper, and that he had made a similar suggestion to U. S. Homes in the past.

REPORT OF TOWNSHIP OFFICIALS WHO REPORT TO COUNCIL:

Council President McLaughlin called for reports of officials who report to Council and he noted that there was a report due from the Industrial Park Study Team and he requested that the Clerk contact Mr. Paul Alterman regarding same.

Mr. Sid Leveson of the Engineering Study Team asked for an extension of time for their report until December 20th.

Mr. James Denton, Chairman of the Industrial Commission said the Commission has gone on record as recommending a Technical Assistance Grant from the Federal Government in order to formulate an Industrial Master Plan for Marlboro Township and that the officials in Washington are sending a list of Industrial Planners to the Commission.

After a public session a motion to adjourn the meeting was made by Councilman Grossman, seconded by Councilman Williams and carried unanimously on a roll call vote by those present.

The meeting adjourned at 10:57 P.M.



Teresa R. Eldridge
Deputy Clerk


JOHN J. McLAUGHLIN,
Council President

Minutes approved: 12/9/71

ORDINANCE #19-71
AN ORDINANCE PROMULGATING A CODE OF ETHICS FOR THE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. CONSTITUTING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPEALING ORDINANCE 9-70 PASSED AND APPROVED JUNE 11, 1970. BE IT ORDAINED BY THE Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows.

SECTION 1. Definitions. Words and phrases, as used herein shall have the following meanings: OFFICIAL or EMPLOYEE—Any person elected or appointed to, or employed or retained by, any public office or public body of the Township, whether paid or unpaid and whether part-time or full-time. PUBLIC BODY—The Township Council and any agency, board, body, commission, committee, department, authority or office of the Township. FINANCIAL INTEREST—Any interest which shall yield, directly or indirectly, a monetary or other material benefit, other than duly authorized salary or compensation for his services to the Township to the official or employee or to any person employing or retaining the services of the official or employee. PERSONAL INTEREST—Any interest arising from blood or marriage relationship or from close business association whether or not any financial interest is involved. PERSON—Any person, firm, association, group, partnership or corporation or any combination thereof.

SECTION 2. Interest in Contracts or Jobs Forbidden. No official or employee shall be interested directly or indirectly in any contract or job for work or materials, or the profits thereof, to be furnished or performed for the Township, and no such official or employee shall be interested directly or indirectly in any contract or job for work or materials or the profits thereof, to be furnished or performed, for any person operating any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of the Township. (Source N.J.S. 40:69A-163).

SECTION 3. Franks, Free passes, Tickets or Services, Acceptance Forbidden. No official or employee shall accept or receive, directly or indirectly, from any person operating within the territorial limits of the Township, any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any person, any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the municipal officials heretofore provided by any franchise or ordinance be affected by this section. (Source N.J.S. 40:69A-154).

SECTION 4. Promise of Office, Position, Employment or Benefits Forbidden. No candidate for office, appointment or employment, and no officer, appointee, or employee in the Township shall directly or indirectly give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed. (Source N.J.S. 40:69A-165).

SECTION 5. Use of Confidential Information. A. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the Township. B. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

SECTION 6. Disclosure of Personal or Financial Interest; Discussion; Voting. A. Any official or employee of the Township having a personal or financial interest in the adoption or defeat of an ordinance or in any other matter pending before any public body of the Township shall disclose said interest to said public body either orally or in writing unless said interest expressly appears in the documents or other papers in connection with said matter.

B. In addition to the above disclosure requirement, no member of any public body of the Township shall as a member of said body discuss either orally or by writing any such ordinance or other matter with any other member or members of such public body at any informal, formal or official meeting of said public body or at any other time, nor shall any such member cast any vote of said public body in connection with any such ordinance or other matter. Nothing in this subsection shall prevent any such member from discussing any such ordinance or matter while acting as a private person and not as a member of said body.

SECTION 7. Unauthorized Use of Public Property. No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

SECTION 8. Representation of Others. A. No official or employee of the Township or any former official or employee for a period of one year following termination of his office or position shall represent any person in connection with the adoption or rejection of any ordinance or any other matter pending before any public body of the Township. B. No such official or employee or any former official or employee for a period of one year following termination of his office of position shall permit any partnership or corporation or any partner, officer or employee of such partnership or corporation in which said official or employee has a personal or financial interest to represent any such person as provided in subsection A.

SECTION 9. Board of Ethics: Membership; Appointment. A. There is hereby established effective January 1, 1972 a Board of Ethics consisting of 5 members. B. Any registered voter of the Township who has resided in the Township for at least one year shall be eligible for appointment to said board except no official or employee of the Township shall be qualified for appointment. Any member who moves his residence from the Township or becomes an official or employee of the Township shall forfeit his membership on the board and a vacancy shall immediately exist. C. The members of the board shall be appointed by the Mayor with the advice and consent of the Council. Initial appointments shall be for one, two, three, four and five year terms respectively and thereafter all appointments shall be for five year terms except any appointment to fill a vacancy shall be for the unexpired term.

SECTION 10. Board of Ethics: Power and Duties. A. The board shall have the power and duty: (1) To hear complaints of alleged violations of this ordinance and to render majority and minority opinions to the Township Council in the event a violation is found to exist. (2) To hear and decide requests for an interpretation of the provisions of this ordinance. (3) To hear and decide whether any proposed activity would constitute a violation of this ordinance. (4) To employ a secretary and an attorney subject to the appropriation of funds in the annual budget of the Township. Said attorney shall be qualified to practice law in the State of New Jersey, shall not be an official or employee of the Township and shall serve for a one year term. (5) To adopt additional rules and regulations regulating its procedure not inconsistent with this ordinance. (6) To meet at least monthly if there are matters pending and annually elect a chairman from among its members.

SECTION 11. Board of Ethics: Procedure. A. Whenever written charges alleging a violation of this ordinance by any official or employee are filed with the secretary of the board, the board shall, at a regular or special meeting, set a date, time and place for a hearing and shall serve a copy of said charges and a notice of said hearing on said official or employee at least 20 days prior to said hearing. B. Said hearing shall not be open to the public and those present at said hearing at any one time shall be limited to the members of the board, its secretary, attorney, a certified shorthand reporter, if any, the witness testifying and the official or employee and his

attorney. C. The presiding officer of the board shall swear all witnesses and the court rules of evidence shall be observed. The board, however, shall not have the power to subpoena witnesses or documents. D. The board shall render its decision within one month after the completion of the hearing and shall forward its decision to the Township Clerk together with a copy of the charges, board minutes, exhibits, transcript of testimony, if any, and any other documentation. The decision may include a majority and minority report. Any decision in which there is a finding of a violation of this ordinance shall require the affirmative vote of at least three members. E. All proceedings, minutes, documents, and all other writings before the board shall be confidential and shall not be available for inspection by anyone except board members, employees of the board and any official or employee against whom a charge has been made and his attorney and County, State or Federal Law enforcement agencies after subpoena. No board member or board employee shall disclose to anyone not present at the hearing any information concerning any proceedings pending before the board and any proceedings decided by the board except where said board member shall be required to testify before the Township Council or any court.

SECTION 12. The Township Council; Procedure. A. Upon receipt by the Township Clerk of the board decision and the documentation set forth in paragraph D, said papers shall be retained by the Clerk in a confidential file and shall not be available for inspection by anyone except the persons named in Section 12, subsection E and the Mayor and members of the Township Council and the Township Attorney, until such time as the Council has adopted a resolution pursuant to said decision charging any official or employee with a violation of this ordinance. If no such resolution is adopted within two years after receipt by the Clerk of the board decision, the contents of said file shall be destroyed by the Clerk. Until such time as a resolution is adopted, no other Township official or employee having knowledge of the same shall disclose to anyone the contents of said file or any part thereof. B. In the event the board has voted affirmatively that an official of the Township has violated this ordinance, the Township Council shall, within one month after receipt by the Clerk of said decision, adopt a resolution setting forth a specification of the charges and setting a date, time and place for a hearing. C. At least 20 days before the date of said hearing, the Clerk shall cause to be served personally upon said official, a copy of the Council resolution and a notice containing the date, time and place of said hearing and advising said official of his rights to appear at said hearing and defend said charges. D. At the hearing of said charges, which may be at a regular or special meeting of the Council and open to the public, the court rules of evidence shall be observed, all witnesses shall be sworn and the Council and the official shall have the power to subpoena witnesses and documents. E. No more than 30 days after the conclusion of the hearing, the Council shall render its decision. Any decision which finds that this ordinance has been violated shall require the affirmative vote of at least three members of the Township Council. F. Where the board has voted affirmatively that an employee has violated this ordinance, the Clerk shall refer the matter to the appointing authority of the employee, which appointing authority shall conduct a departmental hearing on said charges pursuant to the Revised Civil Service Rules. G. Nothing in this ordinance shall prevent the Township Council or any appointing authority from initiating charges of a violation of this ordinance on its own without reference to any prior action of the board.

SECTION 13. Written Disclosure By Officials and Employees. A. All elected or appointed officials and employees of the Township shall within 30 days after the adoption of this ordinance and all newly elected or appointed officials or employees at least 10 days before taking the oath of office or assuming his duties or responsibilities, shall complete and file with the Township Clerk a Disclosure Affidavit on a form to be furnished by the Clerk. Said affidavit shall be a public document subject to the provisions of N.J.S. 47:1A-1 et seq. B. Every official and employee shall disclose in such affidavit: (1) All sources of income of the official or employee and his spouse for the past 3 years including but not limited to name and address of employers, identification of sources of interest, income, dividends and profits from any business, profession or sale of real or personal

property, provided that the amount of said income need not be disclosed. (2) Any present or prospective financial or personal interest in any sole proprietorship, partnership, corporation or joint venture which is presently or contemplates within a year conducting any business within the State of New Jersey, the nature of said business, whether the interest arises as owner, officer, stockholder, partner, director or employee and including a job description if working full or part time for said business. (3) The name and state of incorporation of any corporations in which the official or his spouse owns or has an interest in stock entitling him or his spouse together to cast ten per cent or more of the votes for the election of directors, and for the management of said corporation. (4) A list by block, lot and municipality of all real estate in which such official or employee and his spouse have any interest and located in the State of New Jersey and a similar list of all such real estate in which any corporation or partnership of which said official or employee or his spouse is an officer, director, stockholder or partner has any interest. An interest includes ownership as tenants in common, joint tenancy, trustee, beneficiary of a trust and holder or joint holder of any mortgage or tax title lien. This subsection shall not apply to any corporation where the official or employee and his spouse together own or have an interest in less than ten per cent of the stock as provided in subsection (3).

C. Every official and employee shall file with the Township Clerk an affidavit amending the Disclosure Affidavit within 30 days after any change in employment as provided in subsection B (1), and after any change in the factual situation required to be set forth in subsection B (2), (3) and (4) herein which amending affidavit shall disclose any changes which have occurred. D. Notwithstanding the provisions of subsection C, herein, every official or employee shall complete and file a Disclosure Affidavit in the form required in subsection B herein on January 1 of every year or within ten days thereafter beginning January 1, 1973 regardless of whether there has been any change in a previous affidavit.

SECTION 14. Penalties. A. Any appointed official or employee found by the Township Council or the appointing authority, after hearing, to have violated the provisions of this ordinance (including the Disclosure Affidavit provisions) shall in the discretion of the Council or the appointing authority, be subject to one or more of the following penalties or disposition: (1) Removal from office or employment. (2) Suspension from office or employment for a fixed period. (3) Demotion. (4) Reprimand. (5) Referral of the matter to Monmouth County Prosecutor where the provisions of Sections 2, 3 and 4 herein were found to have been violated or where there is cause for a finding of misconduct in office. B. In addition to the above, the Council or the appointing authority, in its discretion, may nevertheless dismiss the charges upon a finding that the violation was due to mistake, inadvertence or excusable neglect and upon the representation that the violation shall not be repeated. C. Where the Council has found after hearing, that any elected official has violated any provision of this ordinance, the Council may proceed as in subsection B herein or refer the matter to the Monmouth County Prosecutor in accordance with subsection A(5) herein.

SECTION 15. Repeal. Ordinance 9-70 passed and approved June 11, 1970 is hereby repealed. SECTION 16. Part of Code: Effective Date. This ordinance shall take effect upon its passage and publication according to law and shall constitute Chapter 21 of the Code of the Township of Marlboro.

NOTICE Public notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Council of the Township of Marlboro held on November 11, 1971 and that said ordinance will be taken up for second reading and further consideration and final passage at a meeting of the Council to be held at Marlboro Elementary School, School Road West on November 30, 1971 at 8 p.m. or as soon thereafter as said matter can be reached. At which time and place all persons interested therein will be given an opportunity to be heard concerning same. By order of the Council of the Township of Marlboro. MILDRED F. ACKERMAN, Clerk (1819.12) 14659

This Is A Reprint of The Asbury Park Press

ORDINANCE #19-71
AN ORDINANCE PROMULGATING A CODE OF ETHICS FOR THE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF CONSTITUTING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPEALING ORDINANCE 9-70 PASSED AND APPROVED JUNE 11, 1970.
BE IT ORDAINED by the Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows.

SECTION 1. Definitions.
Words and phrases, as used herein, shall have the following meanings:
OFFICIAL or EMPLOYEE—Any person elected or appointed to, or employed or retained by, any public office or public body of the Township, whether paid or unpaid and whether part-time or full-time.
PUBLIC BODY—The Township Council and any agency, board, body, commission, committee, department, authority or office of the Township.
FINANCIAL INTEREST—Any interest which shall yield, directly or indirectly, a monetary or other material benefit, other than duly authorized salary or compensation for his services to the Township, to the official or employee or to any person employing or retaining the services of the official or employee.
PERSONAL INTEREST—Any interest arising from blood or marriage relationship or from close business association whether or not any financial interest is involved.
PERSON—Any person, firm, association, group, partnership or corporation or any combination thereof.
SECTION 2. Interest in Contracts or Jobs Forbidden.

No official or employee shall be interested directly or indirectly in any contract or job for work or materials, or the profits thereof, to be furnished or performed for the Township, and no such official or employee shall be interested directly or indirectly in any contract or job for work or materials or the profits thereof, to be furnished or performed, for any person operating any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of the Township. (Source N.J.S. 40:69A-163).

SECTION 3. Franks, Free passes, Tickets or Services, Acceptance Forbidden.
No official or employee shall accept or receive, directly or indirectly, from any person operating within the territorial limits of the Township, any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any person, any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the municipal officials heretofore provided by any franchise or ordinance be affected by this section. (Source N.J.S. 40:69A-164).

body of the Township shall be a member of said body discuss either orally or by writing any such ordinance or other matter with any other member or members of such public body at any informal, formal or official meeting of said public body or at any other time, nor shall any such member cast any vote of said public body in connection with any such ordinance or other matter. Nothing in this subsection shall prevent any such member from discussing any such ordinance or matter while acting as a private person and not as a member of said body.

SECTION 7. Unauthorized Use of Public Property.
No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

SECTION 8. Representation of Others.
A. No official or employee of the Township or any former official or employee for a period of one year following termination of his office or position shall represent any person in connection with the adoption or rejection of any ordinance or any other matter pending before any public body of the Township.
B. No such official or employee or any former official or employee for a period of one year following termination of his office or position shall permit any partnership or corporation, or any partner, officer or employee of such partnership or corporation in which said official or employee has a personal or financial interest to represent any such person as provided in subsection A.

SECTION 9. Board of Ethics: Membership: Appointment.
A. There is hereby established effective January 1, 1972 a Board of Ethics consisting of 5 members.
B. Any registered voter of the Township who has resided in the Township for at least one year shall be eligible for appointment to said board except no official or employee of the Township shall be qualified for appointment. Any member who moves his residence from the Township or becomes an official or employee of the Township shall forfeit his membership on the board and a vacancy shall immediately exist.
C. The members of the board shall be appointed by the Mayor with the advice and consent of the Council. Initial appointments shall be for one, two, three, four and five year terms respectively and thereafter all appointments shall be for five year terms except any appointment to fill a vacancy shall be for the unexpired term.

SECTION 10. Board of Ethics: Power and Duties.
A. The board shall have the power and duty:
(1) To hear complaints of alleged violations of this ordinance and to render majority and minority opinions to the Township

attorney.
C. The presiding officer of the board shall swear all witnesses and the court rules of evidence shall be observed. The board, however, shall not have the power to subpoena witnesses or documents.

D. The board shall render its decision within one month after the completion of the hearing, and shall forward its decision to the Township Clerk together with a copy of the charges, board minutes, exhibits, transcript of testimony, if any, and any other documentation. The decision may include a majority and minority report. Any decision in which there is a finding of a violation of this ordinance shall require the affirmative vote of at least three members.

E. All proceedings, minutes, documents, and all other writings before the board shall be confidential and shall not be available for inspection by anyone except board members, employees of the board and any official or employee against whom a charge has been made and his attorney and County, State or Federal Law enforcement agencies after subpoena. No board member or board employee shall disclose to anyone not present at the hearing any information concerning any proceedings pending before the board and any proceedings decided by the board except where said board member shall be required to testify before the Township Council or any court.

SECTION 12. The Township Council; Procedure.

A. Upon receipt by the Township Clerk of the board decision and the documentation set forth in paragraph D, said papers shall be retained by the Clerk in a confidential file and shall not be available for inspection by anyone except the persons named in Section 12, subsection E and the Mayor and members of the Township Council and the Township Attorney, until such time as the Council has adopted a resolution pursuant to said decision charging any official or employee with a violation of this ordinance. If no such resolution is adopted within two years after receipt by the Clerk of the board decision, the contents of said file shall be destroyed by the Clerk. Until such time as a resolution is adopted, no other Township official or employee having knowledge of the same shall disclose to anyone the contents of said file or any part thereof.
B. In the event the board has voted affirmatively that an official of the Township has violated this ordinance, the Township Council shall, within one month after receipt by the Clerk of said decision, adopt a resolution setting forth a specification of the charges and setting a date, time and place for a hearing.

C. At least 20 days before the date of said hearing, the Clerk shall cause to be served personally upon said official, a copy of the Council resolution and a notice containing the date, time and place of said hearing and advising said official of his rights to appear at said hearing and defend said charges.
D. At the hearing of said charges, which may be at a regular or special meeting of the Council and open to the public, the court rules of evidence shall be observed, all witnesses shall be sworn and the Council and the official shall have the power to subpoena witnesses and documents.

E. Within 30 days after the date of the hearing, the Council shall render its decision on the charges and shall forward its decision to the Township Clerk together with a copy of the charges, Council minutes, exhibits, transcript of testimony, if any, and any other documentation. The decision may include a majority and minority report. Any decision in which there is a finding of a violation of this ordinance shall require the affirmative vote of at least three members.

property, provided that the amount of said income need not be disclosed.
(2) Any present or prospective financial or personal interest in any sole proprietorship, partnership, corporation or joint venture which is presently or contemplates within a year conducting any business within the State of New Jersey, the nature of said business, whether the interest arises as owner, officer, stockholder, partner, director or employee and including a job description if working full or part time for said business.
(3) The name and state of incorporation of any corporations in which the official or his spouse owns or has an interest in stock entitling him or his spouse together to cast ten per cent or more of the votes for the election of directors, and for the management of said corporation.

(4) A list by block, lot and municipality of all real estate in which such official or employee and his spouse have any interest and located in the State of New Jersey and a similar list of all such real estate in which any corporation or partnership of which said official or employee or his spouse is an officer, director, stockholder or partner has any interest. An interest includes ownership as tenants in common, joint tenancy, trustee, beneficiary of a trust and holder or joint holder of any mortgage or tax title lien. This subsection shall not apply to any corporation where the official or employee and his spouse together own or have an interest in less than ten per cent of the stock as provided in subsection (3).

C. Every official and employee shall file with the Township Clerk an affidavit amending the Disclosure Affidavit within 30 days after any change in employment as provided in subsection B (1), and after any change in the factual situation required to be set forth in subsection B (2), (3) and (4) herein which amending affidavit shall disclose any changes which have occurred.
D. Notwithstanding the provisions of subsection C, herein, every official or employee shall complete and file a Disclosure Affidavit in the form required in subsection B herein on January 1 of every year or within ten days thereafter beginning January 1, 1973 regardless of whether there has been any change in a previous affidavit.

SECTION 14. Penalties.
A. Any appointed official or employee found by the Township Council or the appointing authority, after hearing, to have violated the provisions of this ordinance (including the Disclosure Affidavit provisions) shall in the discretion of the Council or the appointing authority, be subject to one or more of the following penalties or disposition:
(1) Removal from office or employment.
(2) Suspension from office or employment for a fixed period.
(3) Demotion.
(4) Reprimand.
(5) Referral of the matter to Monmouth County Prosecutor where the provisions of Sections 2, 3 and 4 herein were found to have been violated or where there is cause for a finding of misconduct in office.

ORDINANCE #20-71
AN ORDINANCE OF THE TOWNSHIP
OF MARLBORO ESTABLISHING
SPEED LIMITS ALONG TEXAS
ROAD.

BE IT ORDAINED, by the Council of
the Township of Marlboro, County of
Monmouth and State of New Jersey:

SECTION 1. That the speed limits for
both directions of traffic along Texas
Road in the Township of Marlboro be
established as follows:

ZONE 1. 45 MPH from the Westerly
Marlboro Township Line to the center
of Greenwood Road, thence

ZONE 2. 40 MPH to the Easterly
Marlboro Township Line.

SECTION 2. Regulatory and Warning
signs shall be erected and maintained to
effect the above designated speed limits
as authorized by the Department of
Transportation.

SECTION 3. This ordinance shall take
effect upon approval by the Commis-
sioner of Transportation.

NOTICE

Public notice is hereby given that
the above ordinance was introduced and
passed on first reading at a regular
meeting of the Council of the Township of
Marlboro held on November 11, 1971 and
that said ordinance will be taken up
for second reading and further con-
sideration and final passage at a meet-
ing of the Council to be held at Marl-
boro Elementary School, School Road
West on November 30, 1971 at 8 p.m. or
as soon thereafter as said matter can be
reached at which time and place all
persons interested therein will be given
an opportunity to be heard concerning
same.

By order of the Council of the Town-
ship of Marlboro.
MILDRED F. ACKERMAN, Clerk
(\$17.28) 14660

Exhibit "C"

BLOCK	LOT	NAME	ADDRESS	AMOUNT TO BE RETURNED
1	28	Karl Separis	Nolan Rd.,Morganville	\$ 189.86
9	25	Leo & Rafaello Domenico	Route 79, Wickatunk	204.00
27	49	Mary A. Dwyer	Pl. Valley Rd.,Wickatunk	1,801.02
38	19	Sydney H. Jackson	Box 313 Falsom Lane Morganville	41.34
51-B	13	Morton D. Cohen	43 Sudbury Rd., Morganville	5.47
51-E	12	Howard Heiss	4 Halifax Dr., Morganville	12.58
51-F	10	Barnett Rukin	7 Halifax Dr., Morganville	44.85
51-F	11	Richard Brum	5 Halifax Dr., Morganville	91.90
51-F	12	Marvin Krieger	3 Halifax Dr., Morganville	20.24
51-F	13	Leonard Schleicher	1 Halifax Dr., Morganville	28.99
51-F	17	Ralph Zeidenberg	6 Prince Wm. Rd.,Morganville	159.18
51-G	9	Arnold Katz	7 Prince Wm. Rd.,Morganville	50.32
51-G	10	Stanford J. Lesser	5 Prince Wm. Rd.,Morganville	87.52
51-G	11	Ivan Jay Caplan	3 Prince Wm. Rd.,Morganville	248.34
55	8	St. Gabriel's Church	Route 520, Marlboro	381.54
56	18	Eleanor S. Doty Mary S. McCauly Audrey Cooley c/o Harvey Hartman, Est.	P.O. Box 254, Red Bank	82.80
59	5	Harold Wetterberg	N. J. Wood Finishing Co. Amboy Ave., Woodbridge, N. J.	373.15
65-GG	8	Harvey Goldberg	40 Guest Dr., Morganville	41.30
77	12	Mary Wacyra	Moore Rd., Marlboro	111.50
79	9	Faith Investing Corp.	531 Central Park Ave. Scarsdale, New York	800.94
79	12	Mary Wacyra	Moore Rd., Marlboro	477.81
80	6	Lemar Investment Corp.	38 Oaklawn Rd.,Fair Haven,N.J.	175.43
81-B	5	Morton Stein	25 Amherst Rd., Marlboro	49.13

81-B	6	Richard L. Gerstein	27 Amherst Rd., Marlboro	177.19
81-B	7	Carl E. Lind	10 Dickson Rd., Marlboro	172.89
81-B	9	William Rothman	6 Dickson Rd., Marlboro	46.37
81-B	10	Dora Levenstein	4 Dickson Rd., Marlboro	41.95
81-E	3	Richard Harrigan	30 Amherst Rd., Marlboro	211.97
81-E	4	Charles Taylor	28 Amherst Rd., Marlboro	151.80
81-E	5	Mark R. Hollinger	26 Amherst Rd., Marlboro	48.57
81-E	13	William F. McCarthy	1 Farrell Lane, Marlboro	94.94
81-E	14	Herbert D. Fersht	3 Farrell Lane, Marlboro	169.46
81-E	15	Irwin Lauer	5 Farrell Lane, Marlboro	254.47
81-F	5	Robert J. Louhier	2 Farrell Lane, Marlboro	255.58
81-H	1	Raymond M. Hartnett	28 Collingwood Rd., Marlboro	51.06
81-H	3	Mario R. Botti	5 Hill Circle, Marlboro	128.62
81-H	4	Jacob J. Cohen	7 Hill Circle, Marlboro	113.16
81-H	5	Joel Robert Kommer	10 Marblewood Rd., Marlboro	172.78
81-H	10	Arnold Feldman	30 Collingwood Rd., Marlboro	173.88
81-I	12	Morton Salkind	14 Hill Circle, Marlboro	47.47
81-L	3	Jerome C. Warsaw	15 Marblewood Rd., Marlboro	207.00
81-L	4	Shelia Fishkin	17 Marblewood Rd., Marlboro	229.08
81-L	5	Armando H. Sablo	25 Jacata Rd., Marlboro	219.45
81-M	1	Martin Address	19 Owens Rd., Marlboro	126.41
81-M	2	Norman Ferber	17 Owens Rd., Marlboro	41.95
81-M	22	Stephen Wolf	24 Jacata Rd., Marlboro	48.02
81-M	23	Robert E. French	26 Jacata Rd., Marlboro	166.15
81-N	19	Harvey Greenberg	14 Owens Rd., Marlboro	122.54
84	1	Morton A. Epstein	45 N. Station Rd., Great Neck, New York	819.72
86	3	Morton A. Epstein	45 N. Station Rd., Great Neck, New York	860.01

RESOLUTION #255-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
James R. Minogue, Esq.	Misc. Legal services, Sept. Misc. Legal services, Oct.	\$ 1,900.00 1,750.00	3,650.00
Leon S. Avakian, Inc.	Insp., Marlboro Indust. Park Insp., U.S.Homes, Sept. Insp., Levitt, Sept. Tax Maps Revisions Tax Maps	474.65 1,506.85 1,012.50 87.05 330.00	3,411.05
Gulick-Henderson of N.J	Bond Ord. #13-70 Bond Ord. #13-70	1,441.60 1,950.80	3,392.40
Community Consultants Corp.	Review of Master Plan, Final <i>Subdivision Ord</i>		1,434.00
N.J. Bell Telephone Co.	431-1111, Oct. 19 431-1734 Oct. 19 462-5713 Nov. 3	238.79 7.70 13.90	260.39
Jersey Central Power & Light	#3599, 9/24-10/26 #5318, 9/23-10/25	187.69 44.95	232.64
Asbury Park Press, Inc.	Legal Advertising, Sept. Legal Ad, Foreclosures	516.48 67.20	583.68
A. R. Meeker	Mimeo paper		42.00
The Daily Register	Legal Ad, Election Legal Ad, Recreation	34.00 14.50	48.50
A & A Coffee Service	Coffee Kit		24.00
Hans Krohn	Repair air-conditioner		72.50
Robbins Electric, Inc.	Fluorescent Light Bulbs		6.40
Kepwel Spring Water	September water October water	36.00 30.00	66.00
Matty's Auto Parts, Inc.	Auto Parts, Sept. Water Pump Auto Parts, Sept. Ball Joint Auto Parts, Wire Set Auto Parts, Fuel Pump	47.76 32.87 21.44 34.60	136.67

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Bennett's Garage Inc.	Camshaft		90.00
Captain H.G. Seidler N.J. State Police Academy	Narcotics Course		15.00
Linnett & Co.	Copy Paper		35.60
Mullaney Tire Service	Tires	177.34	
	Tires	91.88	269.22
Scrub-A-Dub Car Wash	September	26.25	
	October	31.25	57.50
Walter Heath Company	Fuses	64.20	
	Red Lens	6.70	70.90
Miller's Cleaners	August Cleaning	91.00	
	October Cleaning	91.00	182.00
Joseph A. Mazzeo	Repair Radio	78.00	
	Radio Telephones	498.75	576.75
Sprague's Oil Service	Gas, Streets & Roads	247.38	
	Fuel Oil, Streets & Roads	35.03	
	Gasoline, Police	1,183.18	
	Fuel Oil, Pub. Bldg. & Gr.	35.70	1,501.29
Custom Craft Signs	Lettering on Trucks		40.00
Nu-Tone Paint Co.	Paint for Roads	35.64	
	Paint for Roads	36.31	71.95
Matawan Lumber	Tape		5.95
L.D. Seely Company	Street Sign		19.50
Lawson Products Co.	Screws & Supplies		50.61
Swartzel's Farm & Garden	Wire		20.65
Mechanic's Uniform Rental	October Rental		99.20
Tom's Ford	Pipe	17.16	
	Mufflers	35.45	52.61
A. S. Gilbert	Grader Blades	231.55	
	Snow Flows (2)	2,696.00	2,927.55
Manzo Contracting	Coldpatch	1,018.50	
	Coldpatch	292.15	
	1970 Road Work-State Aid Program	19,937.50	21,248.15
The News Tribune	Advertising, Recreation		23.80

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Asbury Park- N.Y.Transit	Trip, Senior Citizen		158.50
Solomon's Inc.	Equipment 1970 SYAP		132.30
Dr. Norman D. Weiner	Mon. Cnty Narcotics Cncl.Dinner		7.25
Bur. Of State Use Indust.	Materials		2.60
N.J. State Dept.of Health	Rabies Control		4.50
Total			\$ 41,023.61

Offered by: *Grossman* Ayes: *4*

Seconded by: *Williams* Nays: *0*
 Absent: *Herman*

The above resolution was adopted this 30th day of November, 1971.

Mildred F. Ackerman
 MILDRED F. ACKERMAN, CLERK

John McLaughlin
 JOHN McLAUGHLIN, COUNCIL PRES.

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF DECEMBER 9, 1971

The regular meeting of the Council of the Township of Marlboro was called to order by Council President John J. McLaughlin at 8:08 P.M. on Thursday, December 9, 1971 at the Marlboro Elementary School, School Road West, Marlboro.

Council President McLaughlin led in the Pledge of Allegiance to our Flag and then the roll was called.

ROLL CALL: Present: Councilmen Grossman, Williams, Stokes,
Herman and McLaughlin
Absent: None

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue (Mr. Minogue arrived at 8:11 P.M.), Clerk Mildred F. Ackerman and Deputy Clerk Teresa R. Eldridge.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #256-71

"WHEREAS, Hovnanian & Company, as obligor and International Fidelity Insurance Company as surety, furnished to the Township of Marlboro subdivision performance bond no. 2443 in the amount of \$78,174.50 covering a subdivision known as Holiday North, Marlboro Section; and

WHEREAS, the said obligor has requested release of the aforesaid subdivision performance bond; and

WHEREAS, the Township Engineer has inspected the aforesaid subdivision and has submitted a report to the Township Council dated October 22nd, 1971 advising that all improvements have been found to be completed satisfactorily with the exception of shade trees; and

WHEREAS, the subdivider has previously posted with the Township \$1,000.00 cash to guarantee the installation of shade trees; and

WHEREAS, the subdivider has tendered to the Township a maintenance bond no. 17998 with Holiday Development Co. as principal and International Fidelity Insurance Company as surety in the amount of \$11,726.00 for the period ending November 30th, 1973;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that performance bond no. 2443 of Hovnanian & Company as principal and International Fidelity Insurance Company as surety in favor of the Township of Marlboro in the amount of \$78,174.50 guaranteeing installation of all improvements in major subdivision known as Holiday North, Marlboro Section, be and the same is hereby released;

BE IT FURTHER RESOLVED, that the streets shown in the subdivision known as Holiday North, Marlboro Section known as Foxcroft Drive, Evergreen Drive and Woodview Drive be and the same are hereby accepted as public streets of the Township of Marlboro;

BE IT FURTHER RESOLVED, that all utility easements shown on the aforesaid subdivision map be and the same are hereby accepted by the Township of Marlboro."

DISCUSSION: Mayor Salkind commented that he was concerned about the amount of cash guarantee on shade trees, he would like to see the amount increased to at least \$2500.00.

Councilman Grossman offered a motion to amend the resolution by adding the following last paragraph:

"BE IT FURTHER RESOLVED, that the said approval for release of bonds be subject to the developer posting with the township the additional sum of \$1,500.00 cash to secure the installation of adequate shade trees."

The motion was seconded by Councilman Herman and carried unanimously on a roll call vote.

The resolution as amended was thereafter adopted unanimously on a roll call vote.

Councilman Herman offered the following resolution and urged its adoption:

RESOLUTION #257-71

"WHEREAS, bids were received by the Township of Marlboro for the reconstruction of Lloyd Road on November 3rd, 1971 and Cardell, Inc., a New Jersey corporation was the lowest responsible bidder for the sum of \$342,782.35; and

WHEREAS, a question arose as to the regularity of the bid proceedings resulting in a rejection of all bids and the authorization of readvertisement; and

WHEREAS, Cardell, Inc. instituted suit in the Superior Court of New Jersey, Docket No. L-8024-71-PW to compel the Township to award the contract to said plaintiff which suit resulted in a judgment entered December 3rd, 1971 ordering the Township to award the said contract to Cardell, Inc.,

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro as follows:

1. That the contract for the reconstruction of Lloyd Road in the Township of Marlboro, in the County of Monmouth be and is hereby awarded to Cardell, Inc., a New Jersey corporation whose bid amounted to \$342,782.35, subject to the approval of the Commissioner of Transportation of the State of New Jersey.

2. That the President of the Marlboro Township Council be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

3. That the Clerk of the Township of Marlboro, be and is hereby directed to seal said contract with the corporate seal of the Township of Marlboro and to attest to the same.

4. On receipt of a bond for not less than the amount of said contract executed in the prescribed form and heretofore approved by the Township Attorney of the Township of Marlboro, the President of the Marlboro Township Council be and is hereby in his discretion empowered to approve said bond and to present the contract and bond to the Commissioner of Transportation of the State of New Jersey for approval."

Seconded by Councilman Williams.

DISCUSSION: Councilman Grossman asked why the President of the Council was to sign the contract. He said this was a final judgment of the court and that Council has 45 days to appeal; that the new Council should not be precluded from appealing the judgment. He did not think the resolution should be passed until the new Council can make a decision to appeal or not and that the new Council should be consulted for their views.

Mr. Minogue stated that the order of the judgment is to award the contract and even if they waited 45 days there must be a stay in court pending appeal and that by signing the contract the Township has made an election not to appeal.

Councilman Stokes said to put it in context, that Council was ready to award the contract and Councilman Grossman raised the question as to whether Council has proceeded properly. The Court said that the procedure was correct and that it was his feeling that Council should proceed with the contract.

Councilman Williams stated that he would choose not to appeal; that Council has been with this for a long time and he wanted to vote now.

Mayor Salkind said that he has never at any time stated that he would refuse to sign this contract. He asked to see a copy of the state form. He said he was advising the Council President that his action will be improper and said Council should not take action tonight but wait the 45 days to allow the incoming Council to act.

Councilman Grossman said that it was his intention that all bids next year be opened at public meetings.

Council President McLaughlin confirmed with Mr. Minogue that the approved state form designated him as presiding officer. He also said that this Council has the responsibility to act as the governing body of this Township until 12:00 noon of January 1 and that he was ready to act in accordance with the court's directive.

The resolution was thereafter adopted on the following roll call vote:

December 9, 1971

- 3 -

0199

Ayes: Councilmen Herman, Stokes, Williams and
McLaughlin
Nays: Councilman Grossman

Councilman Stokes offered the following resolution:

RESOLUTION #258-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Township enter into a contract in the amount of \$1,200.00 with Edward C. DeWaine and Patricia C. DeWaine, husband and wife, for the conveyance of right of way to the Township for the widening of School Road West, being part of Lot 3, Block 81-1 on the tax map and known as Parcel No. 11 in connection with Bond Ordinance #13-70."

Seconded by Councilman Herman and after a brief discussion the resolution was adopted unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #259-71

"WHEREAS, the Zoning Board of Adjustment on November 23rd, 1971 recommended to the Council that John J. Barilka be granted a variance to permit said applicant to construct and use a custom built one-family residence dwelling with gift shop on Lot 7, Block 46B, State Highway 79, Township of Marlboro: and

WHEREAS, the Council has considered the resolution of the Zoning Board of Adjustment and the site plan dated June 17th, 1971 prepared by James P. Kovacs, Inc., which site plan has been approved by the Marlboro Township Planning Board;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro as follows:

1. The Council hereby finds that the use of the premises applied for would not be detrimental to the general health, safety and welfare of the Township in general and the specific premises in particular and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance and zone plan of the Township.

2. That John J. Barilka be and he is hereby granted a variance to construct and use a custom built one-family residence dwelling with gift shop on Lot 7, Block 46B, State Highway 79 in the Township of Marlboro pursuant to the aforesaid site plan."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

December 9, 1971

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #260-71

BE IT RESOLVED by the Council of the Township of Marlboro that the following budget transfers be made in the 1971 budget:

FROM:

Streets & Roads S & W	\$5,000.00
Streets & Roads OE	4,000.00
Public Buildings & Grounds OE	3,000.00
Finance S & W	600.00
Tax Assessing S & W	900.00
Collection of Taxes S & W	800.00
Insurance	800.00
Liquidation of Tax Title Liens	2,000.00
Industrial Commission OE	1,400.00

TO:

Police S & W		<u>\$18,500.00</u>
TOTAL . . .	<u>\$18,500.00</u>	<u>\$18,500.00</u>
	=====	=====

Seconded by Councilman Herman.

DISCUSSION: Councilman Grossman explained that the Internal Revenue Department had indicated that the contract signed for the police prior to August 14th entitled them to retroactive pay until January 1 and so the reasons for the transfers. Mayor Salkind said it was decided to transfer this amount of money rather than go for an emergency appropriation in order to get the police their back salary before Christmas.. He said that Mr. Minogue was concerned about the liquidation of tax title liens money being available. He stated that whatever monies up to \$2000.00 for that account will be transferred back if needed.

The resolution was thereafter adopted unanimously on a roll call vote.

Councilman Herman offered Resolution #261-71, the Bill Paying Resolution (copy of same is attached). Seconded by Councilman Stokes and adopted unanimously on a roll call vote.

Councilman Stokes offered the following resolution:

RESOLUTION #262-71

"WHEREAS, the Board of Education of the Township of Marlboro has requisitioned \$200,000.00 in district taxes; exclusive of debt service requirements needed to meet the obligations of the Board for the next eight weeks;

RESOLUTION #261-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Mr. Robert Eisner, RMA	Prep. of Appl. to Local Finance Bd.		475.00
Leon S. Avakian, Inc.	Retainer, Oct.	300.00	
	Industrial Pk., Insp.	37.50	
	Insp. Holiday, Oct.	78.90	
	Insp. U.S.Homes, Oct.	1,028.10	
	Insp. Levitt, Oct.	152.50	1,597.00
Jersey Central Power & Light	Street Lighting, Nov.		2,695.20
N.J. Bell Telephone Co.	462-0059, Oct.4	398.99	
	536-3399, Oct.1	15.35	
	431-9346, Oct. 19	14.90	
	431-9346, Nov.19	10.30	
	462-0059, Nov. 4	419.42	
	536-4444, Nov. 5	32.10	
	536-3465, Nov. 5	9.05	
	536-3399, Nov. 5	8.60	908.71
N.J. Natural Gas Co.	10/18-11/18, #4978	61.45	
	10/18-11/18, #4990	3.69	65.14
Xerox Corp.	November usage		270.85
Amboy Generator	Fuel Injection Pump		345.40
Dick's Lawn Mower Service	Sharpen Saw Chains		7.00
Nat'l. Chemsearch Corp.	Meta-Lox		152.80
Matty's Auto Parts Inc.	Air Filters		88.28
	Total		<u>6,605.38</u>

Offered by: *Herman* Ayes: 5
Seconded by: *Stokes* Nays: 0

The above resolution was adopted this 9th day of December, 1971.

Mildred F. Ackerman
MILDRED F. ACKERMAN, CLERK

John McLaughlin
JOHN McLAUGHLIN, COUNCIL PRES.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Department of Finance pay to the Custodian of School Moneys the sum of \$200,000.00 within the next thirty days in accordance with the statutes relating thereto."

Seconded by Councilman Williams and adopted unanimously on a roll call vote.

The Chair declared a recess. The meeting was again called to order at 9:07 P.M.

The Chair asked for a motion to add three resolutions to the agenda - Resolution #263-71, 264-71 and 265-71. So moved by Councilman Stokes, seconded by Councilman Herman and carried unanimously on a roll call vote.

Councilman Williams offered the following resolution and urged its adoption:

RESOLUTION #263-71

"BE IT RESOLVED by the Council of the Township of Marlboro that a raffles license be issued to the Community YMCA - Arrowhead Branch in accordance with RA:136 for off-premise raffles to be held March 4, 1972 in the Marlboro Fire House, Route 79, Marlboro, New Jersey."

Seconded by Councilman Grossman and adopted unanimously on a roll call vote.

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #264-71

"WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these voucher:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>Payee</u>	<u>Account</u>	<u>Total</u>
Bd. of Fire Comm. Dist. #1	Second half 1971 budget	\$ 30,250.00
Bd. of Fire Comm. Dist. #2	Second half 1971 budget	26,185.00
Bd. of Fire Comm. Dist. #3	Second half 1971 budget	12,372.50
		<hr/>
		\$ 68,807.50

Seconded by Councilman Herman.

DISCUSSION: Councilman Williams said that last year this was not done by formal resolution at Mr. Rotheim's request and he wanted to know that if this was statutory to be approved by Council was last year's payment illegal. Mayor Salkind said that the procedure is the same as with the Board of Education and is probable unnecessary. Councilman Williams wanted to know if this would apply to the High School also. Mayor Salkind said that was right.

The resolution was thereafter adopted unanimously on a roll call vote.

The Chair said the matter of resolution #265-71 would be suspended from the agenda for the time being.

APPROVAL OR CORRECTION AND APPROVAL OF THE MINUTES OF 11/30/71

The Chair asked for a motion to accept the minutes of November 30, 1971, so moved by Councilman Grossman, seconded by Councilman Stokes and carried on the following roll call vote:

Ayes: Councilmen Stokes, Williams and Grossman
Nays: None
Abstain: Councilmen Herman and McLaughlin

READING OF COMMUNICATIONS AND PETITIONS

Announcement of the Monmouth County Municipal Association regular meeting to be held on Wednesday, December 15th, 1971. Calendar.

REPORT OF THE MAYOR

Statement of the General Fund for November 30, 1971. The Mayor reported on a meeting with the Route 18 contractor's personnel this date and he said he will be meeting later this month in Trenton. By way of correcting some of the rumor, no trees are to be touched outside of the right of way area. He reported on the schedule of diversion roads. Alongside Tennent Road the diversion road to be open end of next week. Route 520 diversion road open March 15, 1972. Texas Road bridge construction to begin July 1, 1972 and completed May 1, 1973. There is no detour or diversion road planned for Texas Road. Route 9 highway work to be complete July 1, 1972. Gordons Corner Road detour open April 1, 1972-the bridge to be completed April 15, 1973. Topenemus to Wyncrest will be open on July 15, 1972, Wyncrest will be shut until May 1, 1973. Route 79 diversion road open March 15, 1972, bridge to be opened December 15, 1972. Buckley Road diversion road to open March 15, 1972, bridge to be completed by September 1, 1972. The Mayor further announced that the State has put out for bid this day that section that starts at the end of this section in Marlboro.

Council President McLaughlin asked if the State will pave the portion of Texas in Route 18 path and will they repair any damage done to our roads in their construction program. The Mayor said they have assured us they would do this and that he would ask Commissioner Kohl for an agreement in writing to that effect.

The Chair called for a short recess. The meeting was called back to order at 9:32 P.M.

Clerk Mildred F. Ackerman read the following resolution which was offered by Councilman Williams:

RESOLUTION #265-71

"WHEREAS, U. S. Home & Development Corp. has made application to the Marlboro Township Planning Board for tentative approval of a preliminary plat of a major subdivision of property known as Block 63H, part of Lot 4 on the Tax Map of the Township of Marlboro known as "Preliminary Plan for Jessie G. Duncan, Tax Map Sheet 15, Block 63-H Par. 4, Zone: R-40, Cont. 5.05 Ac., Water: Yes, Sewer: Yes, Marlboro Twp. - Monmouth Co. - N.J. Scale 1" = 50' Aug. 1969 Rev. Oct. 1971 Engineer Stanley B. Peters, 114 Madison Av., Lakewood, N.J.";

WHEREAS, the Planning Board approved said map on December 3, 1971; and

WHEREAS, the Township Engineer has reviewed said map and has submitted a report dated December 9, 1971;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above entitled application for tentative approval of the above preliminary plat be and the same is hereby approved subject to the following:

- (1) That side yard setbacks be changed to 20 feet.
- (2) That grading along existing lots 22 and 16 be done to the satisfaction of the Township Engineer."

Seconded by Councilman Herman.

DISCUSSION: Councilman Stokes said it was his understanding that this matter would come up at the next meeting and that he personally did not feel that he had reviewed the subdivision enough to vote on it and that he would abstain. Council President McLaughlin explained that this subdivision is within Whittier Oaks East nestled within other existing homes on half acre lots and that this has been pending for a year to a year and a half. The resolution was thereafter adopted on the following roll call vote:

Ayes: Councilmen Grossman, Williams, Herman and
McLaughlin

Nays: None

Abstain: Councilman Stokes

After a discussion by the Council and the Mayor with regard to the Forschel subdivision a recess was called. The meeting was called back to order at 10:02 P.M.

Mr. John Tergis, Marlboro Township's representative to the Freehold Regional Board of Education spoke briefly with regard to the upcoming meetings of the Board of December 13th in Howell High School and the second Monday in January in the Marlboro High School. He said that a decision on the redistricting will be made possibly prior to the January meeting and that a special public meeting will be called for that purpose. He also said that he is continuing to hold meetings with the citizens of the Township and that he is available for public meetings.

Following the public session Councilman Grossman offered a motion to adjourn the meeting, seconded by Councilman Williams and carried unanimously on a roll call vote.

The meeting adjourned at 11:33 P.M.


Teresa R. Eldridge,
Deputy Clerk


JOHN J. MCLAUGHLIN
Council President

Minutes approved: 12/23/71

COUNCIL OF THE TOWNSHIP OF MARLBORO

REGULAR MEETING OF DECEMBER 23, 1971

The regular meeting of the Council of the Township of Marlboro was called to order at 8:45 P.M. by Council President John J. McLaughlin on Thursday, December 23, 1971 at the Marlboro Elementary School, School Road West, Marlboro.

Council President McLaughlin led in the Pledge of Allegiance to our Flag and then the roll was called.

ROLL CALL: Present: Councilmen Grossman, Williams, Stokes, Herman and McLaughlin (Council President McLaughlin left the meeting at 10:40 PM)
Absent: None

Also present were Mayor Morton Salkind, Township Attorney James R. Minogue, Clerk Mildred F. Ackerman and Deputy Clerk Teresa R. Eldridge.

Councilman Williams presented Clerk Ackerman and Deputy Clerk Eldridge with flowers and a basket of gifts on behalf of the Council, the Mayor and the Township Attorney in appreciation of their services.

Council President McLaughlin briefly reviewed the agenda.

OLD BUSINESS: None

NEW BUSINESS:

Councilman Stokes offered the following resolution:

RESOLUTION #266-71

"WHEREAS, the construction of Route 18 will result in an increase in the noise level of the area surrounding the proposed highway which may have an adverse effect on the residents of the surrounding area; and

WHEREAS, a study should be made of the impact of proposed Route 18 on the noise level of the municipality with a view toward the installation of controls of noise level during the construction of the highway; and

WHEREAS, it is in the best interest of the residents of the municipality that the Township obtain expert opinion on this subject to present to the New Jersey Department of Transportation;

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro that the Township enter into a contract with the partnership known as Donley, Miller and Nowikas,

consulting acoustical engineers, 296 State Highway 10, East Hanover, New Jersey for the sum of \$2,000.00 which contract shall provide that said firm study the impact of Route 18 on the noise level of the municipality which study will include a survey near the vicinity of Route 18, the acquisition of traffic flow data from the New Jersey Department of Transportation and general recommendations for the implementation of noise level controls prior to the completion of the highway;

BE IT FURTHER RESOLVED, that the reported recommendation of said firm shall be a public record of the Township of Marlboro and upon its receipt shall be available in the office of the Township Clerk to any citizen or any other person interested during normal business hours.

BE IT FURTHER RESOLVED, that the Council President and the Clerk be and they are hereby authorized to execute said agreement on behalf of the Township."

Seconded by Councilman Herman.

DISCUSSION: Councilman Grossman objected to the resolution; he said he was speaking for himself and the Council-elect, that this study was not good at this time in that they felt it best to wait for the outcome of the court case and that this action would hurt the present negotiations with the State; that they felt this money will not be well spent for the Township. He further stated that the Council-elect have asked the Mayor to veto this resolution within ten days if it is passed tonight and that it was the intent of the incoming Council to repeal the resolution on January 1, in accordance with the advice of their new Township Attorney whom he did not name. Councilman Herman spoke of the firm's credentials and explained that an acoustical study is being proposed and that the moving of Route 18 is highly impractical but things can be done to make it more palatable as to present and future noise levels. He said it is contingent upon the Township to know the facts and to get suggestion for solutions. Councilman Stokes said it is valid and necessary to go ahead with this action and he asked the Mayor and the incoming Council to support it; that it would be a mistake for the Mayor to veto this action. Councilman Williams said the data supplied through this study would be an asset and that the money will be well spent. Mayor Salkind stated that he attended a meeting with the State to ask the Commissioner to consider certain things and that the Commissioner indicated a wholesome attitude to work with us as long as we cooperate. He accused Council of deliberately trying to stop economic progress of this town, of trying to slow down Route 18 to keep it from being built. He further stated that he would not sign a check for \$2,000.00. Councilman Herman strongly disagreed with the Mayor's statements saying we are not fighting the state government and that this study can only help. He said the Mayor's statements were an attempt to repress the citizen's right to know. He objected to the statements of the Mayor saying that the Mayor will be violating his legal obligations by not making payment for this study, a justly incurred debt.

Councilman Stokes then called for a vote on calling the question. The roll was called and the Councilmen responded in the affirmative unanimously.

Roll Call on the Resolution: Ayes: Herman, Stokes, Williams
and McLaughlin
Nays: Grossman
Abstain: None

Councilman Herman offered the following resolution:

RESOLUTION #267-71

"WHEREAS, an emergency has arisen in that it is necessary to appropriate additional funds to enter into a contract with a firm of consulting acoustical engineers for the purpose of making a noise level impact study in connection with the construction of Route 18; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is: \$22,626.05
and 3 per cent of the total operating appropriations in the budget for 1971 is: \$27,184.35.

NOW, THEREFORE, be it resolved by the Council of the Township of Marlboro (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.40A:4-48,

1. An emergency appropriation be and the same is hereby made for engineering services and costs, other expenses:

\$ 2,000.00

2. That said emergency appropriation shall be provided for in full in the 1972 budget.

3. That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.40A:4-48 and in accordance with the provisions of N.J.S.40A:4-51.

4. That such note be executed by Martin Rotheim, Director of Finance and by Morton Salkind, Mayor.

5. That said note be dated January 1st, 1972 and may be renewed from time to time and such note and any renewals thereof shall be payable on or before December 31st, 1972.

6. That one certified copy of this resolution be filed with the Director of Local Finance."

Seconded by Councilman Williams and adopted on the following roll call vote: Ayes: Herman, Stokes, Williams and

McLaughlin

Nays: Grossman

Abstain: None

Councilman Williams offered the following resolution:

RESOLUTION #268-71

"WHEREAS, Route 18 is proximate to many residential dwellings in the Township of Marlboro, and

WHEREAS, the possibility of air and noise pollution exists, and

WHEREAS, our township residents have a vested interest in the township and a large investment in their homes, and

WHEREAS, it is the duty of the Township of Marlboro and the State of New Jersey to protect the health and well-being of the residents, now therefore

BE IT RESOLVED that the Council of the Township of Marlboro once again strongly urges the State of New Jersey, Department of Transportation, to undertake an environmental impact study to ascertain if damage to the residents will occur due to the current alignment and/or engineering of the subject highway."

Seconded by Councilman Stokes and after a brief discussion the resolution was unanimously adopted on a roll call vote.

A brief recess was called. The meeting was called back to order by Councilman Williams at 10:45 P.M. Councilman Williams explained that Council President McLaughlin had left the meeting due to ill health. Councilman Herman then moved that Councilman Williams be appointed Acting Council President for the duration of the meeting. The motion was seconded by Councilman Stokes and carried on the following roll call vote:

Ayes: Stokes and Herman

Nays: None

Abstain: Grossman and Williams

Councilman Grossman offered the following resolution and urged its adoption:

RESOLUTION #269-71

"WHEREAS, the Zoning Board of Adjustment on December 14, 1971 recommended to the Council that a variance be granted to Philip Van Mater to move and occupy a dwelling house to a location on Lot 17, Block 90, Willis Street, as shown on drawing made by the applicant dated November 20, 1971;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro:

1. That the above relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance.
2. That the above recommended variance be granted."

Seconded by Councilman Stokes and adopted unanimously on a roll call vote by those present.

December 23, 1971

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Councilman Stokes offered the following resolution:

RESOLUTION #270-71

"BE IT RESOLVED by the Council of the Township of Marlboro that the Council President and Clerk are hereby authorized and directed to execute agreements, in triplicate, between the Township of Marlboro and the State of New Jersey, which agreements cover reimbursement for highway lighting maintained within the limits of said Township of Marlboro."

Seconded by Councilman Herman.

DISCUSSION: Councilman Grossman offered a motion to change the word Council President to Mayor. Motion seconded by Councilman Herman and carried unanimously on a roll call vote.

The resolution as amended was thereafter adopted unanimously on a roll call vote by those present.

Councilman Herman offered the following resolution:

RESOLUTION #271-71

"BE IT RESOLVED by the Council of the Township of Marlboro that a raffles license be issued to the Marlboro Chapter for Retarded Children in accordance with RA:137 for off-premise raffles to be held May 10, 1972."

Seconded by Councilman Stokes and adopted unanimously on a roll call vote by those present.

Grossman

Councilman/offered Resolution #272-71 (The Bill Paying Resolution, a copy of same is attached and made a part hereof) and urged its adoption. Seconded By Councilman Herman and after a brief discussion adopted unanimously on a roll call vote by those present.

Councilman Stokes offered the following resolution:

RESOLUTION #273-71

"WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and Official Boards and Agencies have reviewed and certified these vouchers;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Manzo Contracting Co., Inc.	1970 Reconstruction of Various Roads Bond Ordinance #13-70	\$ 87,065.73
Manzo Contracting Co., Inc.	1970 Reconstruction of Various Roads Bond Ordinance #13-70	\$127,933.40
		<u>\$214,999.13</u>

RESOLUTION #272-71

WHEREAS, the Council and/or official Boards and Agencies have authorized certain services and purchases and the Council and official Boards and Agencies have reviewed and certified these vouchers:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the following be paid:

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
James R. Minogue, Esq.	Cardell vs. Marlboro November misc. legal.	520.00 1,000.00	1,520.00
Nelson H. Murphy, Esq.	Minogue vs. Salkind, et al Township of Marlboro	790.00	790.00
Marvin E. Schaefer, Esq.	Minogue vs. Rotheim & Salkind		2,100.00
Howard M. Schoor	Retainer August		200.00
Edward L. Fleischer, Esq.	Retainer October Retainer November	200.00 200.00	400.00
Leon S. Avakian, Inc.	Retainer November Insp. Nov, Ind. Park Insp. Nov, U.S.Homes Insp. Nov, Levitt Retainer December Church Rd. Realignment Bond Ord. #13-70	300.00 37.50 423.50 1,774.40 300.00 492.50 466.58	3,794.48
A & A Coffee Service	Coffee Kit		24.00
Jersey Central Power & Light	10/25-11/24, 3420 10/26-11/26, 3599	47.02 200.02	247.04
N.J. Bell Telephone	536-4444, Dec.1, 1971 536-3465, Dec.1 536-3399, Dec. 1 431-1111, Nov. 19 431-1734, Nov. 19	37.28 10.90 14.75 250.95 7.50	321.38
The Daily Register	Reprints Sept. Legal Adv., Sept.	11.35 314.50	325.85
Asbury Park Press Inc.	Legal Adv., Oct. Legal Adv., Nov.	138.93 512.26	651.19
Xerox	December Usage		251.47

<u>PAYEE</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>TOTAL</u>
Edward Usher Co.	Appl. Raffles forms		2.28
Hon. Cnty. Mun. Assoc.	Dinner, Spring Lake		108.00
N.J. State League of Mun.	Membership thru Dec.1972		234.00
Chalfonte-Haddon Hall	N.J. League of Mun., convention		380.35
Monmouth Cnty. Clerks Office	Recording Tax Sale Cert.		57.00
Atkinson & Smith	Radio Charger		135.00
Bayshore Stationers	Speedimemo and supplies		49.39
Sprague's Oil Service	Gasoline, Police, Nov. Kerosine, Nov.	1,197.35 18.05	1,215.40
C. H. Roberson	Brush Axes		27.05
Western Auto	Weather Stripping Flashlights	3.56 7.83	11.39
Lyncar Corp.	Ice Control Sand		232.77
Martin Line Co.	Street name plates		207.75
Kernco Equipment	Galv. post		77.50
Nu-Tone Paint	Paint		11.52
L.D. Seely Co.	Railroad Crossing signs		19.50
Millhurst Mills Inc.	Culvert Pipe		69.92
A. S. Gilbert	Jet Spreaders (2)		5,666.00
International Salt Co.	Bulk Ice Control		491.37
Dick's Lawn Mower Service	Starter Cord Sharpen Chain Saws Sharpen Chain Saws	5.50 14.00 10.00	29.50
Andersen Graphics	Posters		86.62
Harry Frank- Printer	Appl. for Vending Machine Per.		38.75
Paul-Mark Printing	Planning Bd. 1970		155.85
Leon S. Avakian	Church Rd. realignment Insp.Dec., Ind. Pk. Insp.Dec., Levitt Insp.Dec., U.S.Homes		1,492.50 26.40 101.60 64.00
	Total....		\$21,616.82

Offered by: *Thomas*

Ayes: *4*

Seconded by: *Hansen*

Nays: *0*

Absent: *Mr. Langfibre*

The above resolution was adopted this 23rd day of December, 1971.

Mildred F. Ackerman
MILDRED F. ACKERMAN, CLERK

John H. Williams
JOHN McLAUGHLIN, COUNCIL PRES.

Seconded by Councilman Herman.

DISCUSSION: Councilman Williams read the letter dated December 23, 1971 from Mr. Manzo requesting payment of their long overdue money and stating that they stand behind their work and will make any corrections necessary by June 30, 1972. Councilman Grossman stated that the letter was unsatisfactory and that Mr. Manzo should stipulate that he will do everything needed to be done in accordance with the engineer's recommendations and that the work be started by April 15, 1972 and completed one month later. Councilman Stokes stated the reason this resolution has come up at this time is because the Mayor requested the present Council to take some action on the Manzo bill. He said that in caucus the Mayor said he would stipulate that the improvements would be done in accordance with Mr. Avakian's recommendations before making payment. Councilman Williams said Manzo is legally entitled to payment for his work that is good and pointed out that we are still withholding \$178,000. Councilman Herman said the figure the engineer came up with for Manzo to redo this work was about \$40,000 and that the Council is retaining in excess of four times that amount as a protection for the town. He said that this was a justly incurred debt.

Councilman Grossman moved to table this resolution until the meeting of January 13, 1972 for the purpose of receiving from Mr. Manzo a letter as to whether he will follow the recommendations of Mr. Avakian or whether he will not. The motion died for lack of a second. The resolution was thereafter adopted on the following roll call vote by those present.

Ayes: Herman, Stokes and Williams

Nays: Grossman

Absent: McLaughlin

APPROVAL OR CORRECTION AND APPROVAL OF MINUTES OF 12/9/71

The Chair asked for a motion to approve the minutes of December 9, 1971; so moved by Councilman Herman, seconded by Councilman Stokes and carried unanimously on a roll call vote by those present.

Councilman Williams read a letter from Mr. John L. May dated December 23, 1971 setting forth his resignation from the Municipal Utilities Authority and then called for a motion to accept Mr. May's resignation; so moved by Councilman Herman, seconded by Councilman Stokes and carried unanimously on a roll call vote by those present.

Councilman Herman offered a motion that Mr. Samuel Stubbs of Morganville be appointed to fill the unexpired term of John L. May to the Municipal Utilities Authority. Seconded

by Councilman Stokes and after a brief discussion the motion carried on the following roll call vote:

Ayes: Herman, Stokes and Williams
Nays: Grossman
Absent: McLaughlin

READING OF COMMUNICATIONS AND PETITIONS:

Clerk Mildred F. Ackerman made note of the receipt of a communication from the Monmouth County Board of Elections dated December 9, 1971 stating that District #2 should be considered for redistricting in 1972.

MAYOR'S REPORT:

The Mayor announced that on January 1st he would formally nominate H. Barry Schultz of Morganville as Municipal Court Judge to a three year term commencing January 1, 1972 and Charles Brodsky to the position of Municipal Prosecutor for a one year term commencing January 1, 1972 with advice and consent of Council.

He reported receipt of the Tax Collector's Report for the month of November indicating a total collection of \$728,574.15.

He noted receipt of a letter dated December 7, 1971 from Mr. J. Denton, Chairman of the Industrial Commission, advising Council that the Industrial Commission is asking that the industrial lot size be reduced to three acres and that the coverage requirements be increased from 25% to 40% maximum.

He said he had received a letter from Mr. Penetti who was objecting to the MUA contractor's equipment trespassing on his property. He asked the Township Attorney for his advice. Mr. Minogue advised the Mayor that Mr. Penetti's letter should be forwarded to the MUA.

Read a letter dated 12/22/71 from Leon S. Avakian regarding the appointment of the Municipal Engineer for 1972. The Mayor stated that Mr. Avakian's services will be terminated as of 12/31/71.

He noted receipt of the Road Department report and commented on Fred Eckel's excellent work.

He asked Council for their formal advice to the new Council with regard to the bill of Charles J. Kupper for the work done on the water emergency study of 1970. He said he did not object to the bills of Leon S. Avakian or Barry Wolk but he did object to the Kupper bill of \$3,269.68.

Following a brief discussion Councilman Grossman moved the following motion: that is is the recommendation for the new Council that the bills of Barry Wolk and Leon S. Avakian be paid as per voucher and the bill of Charles J. Kupper be paid in the amount of \$1,634.84. Seconded by Councilman Williams and carried on the following roll call vote:

Ayes: Grossman and Williams
Nays: None
Abstain: Stokes and Herman
Absent: McLaughlin

The Mayor asked the Township Attorney to forward a letter to this effect to Charles J. Kupper, Inc. to ask if this will be acceptable to them.

Councilman Herman asked the Mayor if he intended to sign the MUA contract. The Mayor stated it was his intent to do so, probably over the weekend; however, he said this was not a commitment.

Councilman Grossman then announced that it was the intent of the new Council to appoint Mrs. Joyce Hilfman to the office of Township Clerk.

The subject of when the Mayor would sign the MUA contract was again discussed by Council and the Mayor.

After a brief public session Councilman Herman moved to adjourn the meeting, seconded by Councilman Stokes and carried on a unanimous roll call vote by those present.

The meeting adjourned at 12:00 midnight.

Teresa R. Eldridge, Deputy Clerk

JOHN J. MCLAUGHLIN
Council President

Minutes approved: *January 27, 1972*

December 23, 1971

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